

FLORIDA PUBLIC SERVICE COMMISSION
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MEMORANDUM

November 20, 1997

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FPSC - Records Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *B*
DIVISION OF ADMINISTRATION (LAKE) *LA*
DIVISION OF LEGAL SERVICES (K. PEÑA) *VP*

RE: DOCKET NO. 970876-TI - REQUEST FOR CANCELLATION OF
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4685
ISSUED TO UNIVERSAL TELECOM.

AGENDA: 12/02/97 REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/970876TI.RCM

CASE BACKGROUND

- Universal Telecom, Inc. (Universal) obtained Florida Public Service Commission Interexchange Telecommunications certificate number 4685 on August 7, 1996.
- On July 14, 1997 a letter was received by the Division of Communications requesting cancellation of Universal's certificate.
- On August 21, 1997, staff mailed a certified letter informing Universal that the request for cancellation could not be granted until the delinquent regulatory assessment fees for 1996, including statutory penalties and interest, were paid.
- On September 19, 1997, Universal contacted staff and stated their intentions to pay the delinquent regulatory assessment fees for 1996, along with the statutory penalties and interest.
- On October 3, 1997, our records did not reflect receipt of payment for the delinquent regulatory assessment fees for 1996, along with statutory penalties and interest.

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- The Commission approved staff's recommendation to impose a \$500 fine or cancel certificate number 4685 issued to Universal Telecom, Inc. for violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, at the November 4, 1997 Agenda Conference. However, prior to the issuance of the Order, staff became aware that payment for the delinquent 1996 regulatory assessment fees, along with statutory penalties and interest, was received on September 25, 1997. Therefore, staff believes the July 14, 1997 request for cancellation should be granted, and no fee should be assessed.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the request for cancellation of certificate number 4685 issued to Universal Telecom, Inc.?

RECOMMENDATION: Yes. The Commission should grant Universal's request to cancel certificate number 4685. (Biegalski)

STAFF ANALYSIS: Rule 25-24.474, Florida Administrative Code, provides in pertinent parts:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be canceled.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Staff received payment for the delinquent 1996 regulatory assessment fees, along with statutory penalties and interest, on September 25, 1997. Therefore, staff recommends the Commission grant the request for cancellation of certificate number 4685 issued to Universal, and no fee should be assessed.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation on Issue 1, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of the Order. If no timely protest is filed, the certificate should be canceled and this docket should be closed. If the Commission denies staff on Issue 1, this docket should be closed. (K. Peña)

STAFF ANALYSIS: Unless a person whose substantial interests are affected by this Order files a protest within 21 days, this docket should be closed.