



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: FEBRUARY 22, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Di*
DIVISION OF LEGAL SERVICES (CIBULA) *smc*

RE: DOCKET NO. 001257-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4731 ISSUED TO AXCES, INC. D/B/A AXCES OF DELAWARE, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/06/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001257.RCM

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 RECORDS AND REPORTING

CASE BACKGROUND

- **09/26/96** - This company was granted Florida Public Service Commission Certificate No. 4731.
- **12/08/99** - The 1999 Regulatory Assessment Fee (RAF) return notice was mailed. Payment was due January 31, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice for the 1999 RAF.
- **10/26/00** - Staff wrote the company and advised that a docket had been opened for nonpayment of the 1999 RAF, including statutory penalty and interest charges for the years 1997, 1998, and 1999.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS REPORTING

- **12/20/00** - Order No. PSC-00-2454-PAA-TI was issued, which imposed a \$500 fine or cancelled the company's certificate. The company had until January 10, 2001 to protest the Order.
- **12/27/00** - Mr. Jeff Mamaux, Controller, called staff and advised that the company wished to keep its certificate active and would make a settlement offer. Mr. Mamaux requested that the 1999 RAF return and its options be faxed to him. This was faxed the next day, December 28, 2000.
- **01/08/01** - The Commission received payment of the 1999 and 2000 RAFs, including the past due statutory penalty and interest charges in full. The company reported no revenues for the period ended December 31, 2000. In addition, the company proposed a settlement.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Axces, Inc. d/b/a Axces of Delaware, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4731 should be canceled administratively. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30, or the next business

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day if that date falls on a Saturday, Sunday, or legal holiday, of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

After Order No. PSC-00-2454-PAA-TI was issued on December 20, 2000, the Commission received the company's payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, payment of the 2000 RAF, and a letter from the company which offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. The recommended settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4731 should be canceled administratively.

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ISSUE 2: Should this docket be closed

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Cibula)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.