



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

RECORDS AND REPORTING
01 MAR - 1 AM 11:17
RECEIVED FPSC

DATE: MARCH 1, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Dji*
DIVISION OF LEGAL SERVICES (BANKS) *RUB DV*

RE: DOCKET NO. 001337-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7044 ISSUED TO ACG TELECOM SERVICES INCORPORATED FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/13/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001337.RCM

CASE BACKGROUND

- 07/06/99 - This company obtained Florida Public Service Commission Certificate No. 7044.
- 12/08/99 - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) notice. The due date was January 31, 2000.
- 02/29/00 - The Division of Administration mailed a delinquent notice.
- 09/08/00 - This docket, No. 001337-TI, was established for nonpayment of the 1999 RAF, including penalty and interest charges.

DOCUMENT NUMBER-DATE

02749 MAR-16

FPSC-RECORDS/REPORTING

- **10/27/00** - Staff wrote the company and advised that a docket had been established for nonpayment of the 1999 RAF, including statutory penalty and interest charges, and to contact staff if the company was interested in resolving the docket.
- **12/12/00** - The Division of Administration mailed the 2000 RAF return. Payment was due by January 30, 2001.
- **01/09/01** - Order No. PSC-01-0069-PAA-TI was issued, which imposed a \$500 fine or cancelled the company's certificate. The company had until January 30, 2001 to protest the Order.
- **01/18/01** - Mr. Timothy Kovanic, President, called on behalf of ACG Telecom Services Incorporated and requested information about this docket. Staff was asked to fax the company the 1999 RAF return and its options. This was completed the next day, January 19, 2001.
- **01/30/01** - The Commission received the company's check for the 1999 and 2000 RAFs, including statutory penalty and interest charges for 1999. The company reported revenues in the amount of \$2,523.97 for the period ended December 31, 2000. In addition, the company proposed a settlement and included payment of the proposed settlement amount.

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

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by ACG Telecom Services Incorporated 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. 7044 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 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-01-0069-PAA-TI was issued on January 9, 2001, the Commission received the company's payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, the 2000 RAF, and a letter from the company which offered to pay a \$100 contribution, and which included a check for the \$100 settlement, 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. 7044 should be canceled administratively.

DOCKET NO. 001337-TI
DATE: MARCH 1, 2001

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (Banks)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.