



Public Service Commission

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RECORDS AND REPORTING

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RECEIVED - FPSC

DATE: MARCH 22, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PI*
DIVISION OF LEGAL SERVICES (CIBULA) *S.M.C. BK*

RE: DOCKET NO. 001264-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4768 ISSUED TO TELSCAPE USA, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 001300-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 5349 ISSUED TO DISCOUNT UTILITIES, LLC FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 04/03/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001264.RCM

CASE BACKGROUND

On December 8, 1999, the certificated companies listed on page 4 were mailed the 1999 Regulatory Assessment Fee (RAF) Notice and payment was due by January 31, 2000. On February 29, 2000, the Division of Administration mailed a delinquent notice for the 1999 RAF.

After the dockets were opened, but prior to staff filing its recommendations, the companies listed on page 4 paid the past due amounts in full and proposed settlements to resolve these dockets.

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FPSC-RECORDS/REPORTING

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 each company listed on page 4 to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept each company's respective 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 any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate 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.

Prior to staff filing recommendations, the companies listed on page 4 contacted the Commission and requested information on how to resolve the dockets. The companies subsequently paid the 1999 and 2000 RAFs, including statutory penalty and interest charges, and proposed settlements. Each company listed on page 4 offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. In addition, the companies' settlement proposals included a waiver of objection to the administrative cancellation of their respective certificates in the event the settlement proposals are accepted and the companies ultimately fail to comply with the terms

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of their offers. These settlement amounts are consistent with amounts accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreements 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 any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Cibula)

STAFF ANALYSIS: If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

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<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT.</u> <u>NO.</u>	<u>RAFs</u>	<u>P and I</u>
001264-TI	Telscape USA, Inc. \$82,116.17 Revenues for Period Ended 12/31/00	4768	1999	1999
001300-TI	Discount Utilities, LLC \$0 Revenues for Period Ended 12/31/00	5349	1999	1999