

State of Florida



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
APR 16 PM 2:38
SECRET - PSC

DATE: APRIL 19, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PIJ*
DIVISION OF LEGAL SERVICES (ELLIOTT) *SK pr*

RE: DOCKET NO. 001362-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7233 ISSUED TO STERLING TIME COMPANY D/B/A STC FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/01/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001362.RCM

CASE BACKGROUND

- 11/12/99 - This company obtained Florida Public Service Commission Certificate No. 7233.
- 12/08/99 - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) return notice. Payment was due January 31, 2000.
- 02/29/00 - The Division of Administration mailed the delinquent notice for nonpayment of the 1999 RAF.
- 10/27/00 - Staff wrote the company and advised a docket had been established and to contact staff if it wished to keep its certificate active.

DOCUMENT NUMBER-DATE

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FPCD-RECORDS/REPORTING

- 12/06/00 - Ms. Kelli Muhammad, representative of Telecom Compliance Services, consultant to Sterling Time Company d/b/a STC, contacted staff and requested the 1999 RAF form and the company's options be faxed to her. This information was faxed the same date.
- 12/07/00 - Staff filed its recommendation to impose a \$500 fine or cancel the company's certificate.
- 12/11/00 - The Commission received the 1999 RAF return, along with payment of the past due amount in full. However, the RAF return had the company code for another of Telecom Compliance Services' clients. In addition, the consultant proposed a settlement.
- 12/12/00 - The Division of Administration mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- 12/19/00 - The Commissioners voted to impose a \$500 fine or cancel the company's certificate at the December 19, 2000 Agenda Conference.
- 01/05/01 - Ms. Muhammad faxed a letter to the Commission advising that the incorrect company code had been typed on the 1999 RAF return and requested that the payment made on December 11, 2000 be transferred to this company (STC). Staff provided the Division of Administration a copy of the request.
- 01/09/01 - Order No. PSC-01-0078-PAA-TI was issued, which imposed a \$500 fine.
- 02/01/01 - Staff called Ms. Muhammad and advised that staff could not recommend acceptance of the settlement offer as long as the 2000 RAF remained unpaid.
- 03/05/01 - The Commission received payment of the 2000 RAF. The company reported no revenues for the period ended December 31, 2000.
- 03/20/01 - Staff e-mailed Ms. Muhammad and advised that the company owed penalty and interest charges for the late payment of the 2000 RAF.
- 03/21/01 - The Commission received the statutory penalty and interest charges for the 2000 RAF.

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 Sterling Time Company d/b/a STC 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. 7233 should be cancelled 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 staff filed its recommendation, but prior to Order No. PSC-01-0078-PAA-TI being issued on January 9, 2001, the Commission received from the company's consultant, payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, and a letter which offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. The company's consultant subsequently paid the 2000 RAF, including statutory penalty and interest charges. 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.

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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. (Elliott)

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.