



# Public Service Commission

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

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**DATE:** OCTOBER 25, 2001

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij* *no*  
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING; J. ELLIOTT) *kmf JAE* *ZL*

**RE:** CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF  
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE FOR VIOLATION  
OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES;  
TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 011053-TI - WORLDWIDE GATEWAY, INC.  
DOCKET NO. 011066-TI - TELZERO, INC.

**AGENDA:** 11/06/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\011053.RCM

### CASE BACKGROUND

The companies listed on Attachment A were mailed the 2000 Regulatory Assessment Fee (RAF) return notice and payment was due by January 30, 2001. On February 21, 2001, the Division of the Commission Clerk & Administrative Services mailed a delinquent notice for the 2000 RAF.

After the dockets were opened, staff wrote each of the companies listed on Attachment A and explained that a docket had been established and to contact staff if the companies were interested in resolving the dockets. The companies listed on Attachment A contacted the Commission and requested cancellation

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of their certificates. However, the companies listed on Attachment A have a past due 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.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the companies listed on Attachment A a voluntary cancellation of their respective certificates?

RECOMMENDATION: No. The Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. In addition, the Division of Administration will be notified that the 2000 and 2001 RAFs, including statutory penalty and interest charges for the year 2000, should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested. (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.

The Division of the Commission Clerk & Administrative Services notified staff that each company listed on Attachment A had not submitted the 2000 regulatory assessment fees, along with statutory penalty and interest charges, for the year 2000. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Staff wrote each of the companies listed on Attachment A and explained that a docket had been established. Staff advised the companies to contact staff if they were interested in resolving the dockets. Each company listed on Attachment A contacted the Commission and requested cancellation of their respective certificates.

**Worldwide Gateway, Inc. - Docket No. 011053-TI**

On August 17, 2001, staff wrote the company and explained that a docket had been established for nonpayment of the 2000 RAF, plus statutory penalty and interest charges. Staff asked the company to contact staff if it was interested in resolving the docket. On

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September 10, 2001, the Commission received a letter from Ms. Lisa T. Edwards, Attorney, which stated that this company has been out of business for over a year and there were no employees left. Ms. Edwards requested cancellation of Worldwide Gateway, Inc.'s certificate. As of October 17, 2001, the past due fees have not been paid and the company has not complied with Rule 25-24.474, Florida Administrative Code.

**TelZero, Inc. - Docket No. 011066-TI**

On September 18, 2001, staff wrote the company and explained that a docket had been established for nonpayment of the 2000 RAF, plus statutory penalty and interest charges. Staff asked the company to contact staff if it was interested in resolving the docket. On September 28, 2001, the Commission received a letter from Mr. Gavin Kahn, Attorney, which stated that this company ceased operations in 2000, that the corporation no longer exists, and requested cancellation of TelZero's certificate. In addition, Mr. Kahn requested that the RAFs, including statutory penalty and interest charges, be written off.

Since the companies advised staff that their respective corporations no longer existed, staff checked the Florida Department of State, Division of Corporations' records and confirmed that the corporations no longer exist. Under the circumstances, staff believes that it is appropriate to write-off the RAFs rather than send the uncollectible amounts to the Comptroller's Office for further collection attempts.

Accordingly, staff believes the Commission cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. In addition, the Division of Administration will be notified that the 2000 and 2001 RAFs, including statutory penalty and interest charges for the year 2000, should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. These dockets should then be closed upon cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final. (K. Peña; B. Keating; J. Elliott)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon issuance of a Consummating Order and upon cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES &amp; PERIOD COVERED</u>	<u>CERT. NC</u>	<u>Effective Date of Cancellation</u>
011053-TI	Worldwide Gateway, Inc. No Previous Return Filed	7347	09/10/01
011066-TI	TelZero, Inc. No Previous Return Filed	7472	09/28/01