

State of Florida



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

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COMMISSION CLERK

DATE: NOVEMBER 7, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *pic*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *pic*

RE: DOCKET NO. 011150-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5802 ISSUED TO RIPPLE COMMUNICATIONS, INC. FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.835, F.A.C., RULES INCORPORATED.

AGENDA: 11/19/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\011150.RCM

CASE BACKGROUND

- 04/17/99 - This company obtained Florida Public Service Commission Certificate No. 5802.
- 12/12/00 - The Division of the Commission Clerk & Administrative Services mailed the 2000 Regulatory Assessment Fee (RAF) return notice. Payment was due by January 30, 2001.
- 02/21/01 - The Division of the Commission Clerk & Administrative Services mailed a delinquent notice for nonpayment of the 2000 RAF.
- 09/10/01 - Ms. Dixi Dougherty called staff and stated that although the company has this certificate, it does not provide

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service. Ms. Dougherty stated that the company is willing to withdraw its certificate and asked for information on how to cancel the certificate in good standing. Staff wrote the company the next day, September 11, 2001, and provided the 2000 and 2001 RAF return forms and information on how to request a voluntary cancellation.

- **09/21/01** - The Commission received the company's payment for the 2000 RAF, including statutory penalty and interest charges, and payment for the 2001 RAF. In addition, the company requested cancellation of its certificate.

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 Ripple Communications, Inc. a voluntary cancellation of Alternative Local Exchange Telecommunications Certificate No. 5802?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of September 21, 2001. (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 the company had not submitted the 2000 regulatory assessment fees, along with statutory penalty and interest charges, for the year 2000. Therefore, the company has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

After this docket had been established, but prior to staff filing a recommendation, the company paid the past due amount, paid the 2001 RAF, and requested voluntary cancellation of its certificate in compliance with Rule 25-24.820(2)(a), (b), (c), and (d), Florida Administrative Code.

Accordingly, staff believes the company's request for a voluntary cancellation of its certificate should be granted with an effective date of September 21, 2001.

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ISSUE 2: Should this docket 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 issuance of the Proposed Agency Action Order. The docket should then be closed upon cancellation of the certificate. (K. Peña; B. Keating)

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, this docket should be closed upon the issuance of a Consummating Order and upon cancellation of the certificate.