

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5650 issued to Sophisticated Communications, Inc. d/b/a Locin Communication Co. d/b/a L.C.C. d/b/a S.C.I. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 010917-TI
ORDER NO. PSC-01-2416-PAA-TI
ISSUED: December 12, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE, REQUIRING PAYMENT OF DELINQUENT
REGULATORY ASSESSMENT FEES AND REQUIRING INFORMATION IN
ACCORDANCE WITH RULE 25-24.480, FLORIDA ADMINISTRATIVE CODE,
OR CANCELING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

DOCUMENT NUMBER-DATE

15484 DEC 12 01

FPSC-COMMISSION CLERK

Sophisticated Communications, Inc. d/b/a Locin Communication Co. d/b/a L.C.C. d/b/a S.C.I. (S.C.I.) currently holds Certificate of Public Convenience and Necessity No. 5650, issued by the Commission on June 17, 1998, authorizing the provision of Interexchange Telecommunications (IXC) service. The Division of the Commission Clerk and Administrative Services advised our staff that S.C.I. had not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2000. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2000 had not been paid. S.C.I. was scheduled to remit its RAFs by January 30, 2001.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161 (2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing IXC service.

On August 20, 2001 we received a letter from Michael S. Fletcher, Attorney, which advised the company had filed for Chapter 7 bankruptcy on April 24, 2001. Our staff called Mr. Fletcher on September 14, 2001, and requested a copy of the official bankruptcy notice. Mr. Fletcher stated he would fax it to our staff that day. As of **November 07, 2001**, we have not received an official notice of the bankruptcy proceedings, payment of the 2000 RAFs, or a request for cancellation of the company's certificate.

In addition, other Commission correspondence to S.C.I. was returned by the United States Postal Service. The return of these materials indicates that S.C.I. may have violated Rule 25-24.480, Florida Administrative Code, which requires the reporting to the Commission of an address change and/or a change in the name, title, or telephone number of the individual responsible for Commission contacts, within ten (10) days of its effectiveness. It has been well over 10 days and S.C.I. has not provided the information required by Rule 25-24.480, Florida Administrative Code, nor has it

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requested cancellation of its certificate in compliance with Rule 25-24.474, Florida Administrative Code.

For the reasons described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel S.C.I.'s certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless S.C.I. pays a \$500 fine and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. We also find it appropriate to cancel S.C.I.'s certificate for failure to comply with Rule 25-24.480, Florida Administrative Code, unless S.C.I. pays a \$500 fine and provides the information required by Rule 25-24.480, Florida Administrative Code, to the Florida Public Service Commission. S.C.I. must comply with these requirements within five business days after the issuance of the Consummating Order, as explained in the Notice of Further Proceedings attached to this Order. The payment should be identified with the docket number and the company's name. The two fines, totaling \$1,000, will be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, required information, and fines are received, this docket shall be closed. Should S.C.I. fail to comply with this Order within five business days after the issuance of the Consummating Order, S.C.I. shall have its certificate canceled, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts; and the docket shall be closed. The cancellation of the certificate in no way diminishes S.C.I.'s obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Sophisticated Communications, Inc. d/b/a Locin Communication Co. d/b/a L.C.C. d/b/a S.C.I. shall pay the past due Regulatory

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Assessment Fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that Sophisticated Communications, Inc. d/b/a Locin Communication Co. d/b/a L.C.C. d/b/a S.C.I. must provide the correct mailing address, liaison information, and other information in accordance with Rule 25-24.480, Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.480, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Sophisticated Communications, Inc. d/b/a Locin Communication Co. d/b/a L.C.C. d/b/a S.C.I. fail to comply with this Order, Sophisticated Communications, Inc. d/b/a Locin Communication Co. d/b/a L.C.C. d/b/a S.C.I.'s Certificate No. 5650 shall be canceled, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts; and the docket shall be closed. It is further

ORDERED that the cancellation of the certificate in no way diminishes Sophisticated Communications, Inc. d/b/a Locin Communication Co. d/b/a L.C.C. d/b/a S.C.I.'s obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further


ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed upon receipt of the required information and payment of the fines and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 12th Day of December, 2001.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action

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proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 2, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.