



Public Service Commission

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COMMISSION
CLERK

DATE: DECEMBER 23, 2003

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Pji*
OFFICE OF THE GENERAL COUNSEL (MCKAY) *VS m b/c*

RE: DOCKET NO. 031010-TX - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF CLEC CERTIFICATE NO. 8076 ISSUED TO
PAN AMERICAN TELECOM, INCORPORATED, FOR VIOLATION OF RULE
25-24.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 031014-TX - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF CLEC CERTIFICATE NO. 7839 ISSUED TO
NATIONAL TELECOM, LLC, FOR VIOLATION OF RULE 25-24.0161,
F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS
COMPANIES.

AGENDA: 01/06/04 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\031010.RCM

CASE BACKGROUND

The companies listed on Attachment A were mailed the 2002
Regulatory Assessment Fee (RAF) return notice and payment was due
by January 30, 2003. On February 21, 2003, the Office of the
General Counsel mailed a delinquent notice for nonpayment of the
2002 RAF.

The Commission received correspondence from each of the
companies listed on Attachment A, which requested cancellation of

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their respective certificates. Staff wrote each of the companies listed on Attachment A and explained that staff could not recommend a voluntary cancellation until each company complied with Rule 25-24.820, Florida Administrative Code. However, as of December 12, 2003, each of the companies listed on Attachment A have not fully complied with Rule 25-24.820, Florida Administrative Code, and none of the companies have any outstanding consumer complaints.

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 grant the companies listed on Attachment A a voluntary cancellation of their respective certificates?

RECOMMENDATION: The Commission should not grant the companies listed on Attachment A a voluntary cancellation of their respective certificates. Rather, the Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate is cancelled, as listed on Attachment A, in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida. **(Isler; McKay)**

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 late payment charges as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

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Rule 25-24.820(2)(a), (b), (c), and (d), Florida Administrative Code, states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

(a) A statement of intent and date certain to pay Regulatory Assessment Fee.

(b) A statement of why the certificate is proposed to be cancelled.

(c) A statement as to how customer deposits and final bills will be handled.

(d) Proof of individual customer notice regarding discontinuance of service.

Although each of the companies listed on Attachment A requested cancellation of their respective certificates, the companies have not fully complied with Rule 25-24.820, Florida Administrative Code.

Accordingly, staff recommends that the Commission not grant the companies listed on Attachment A voluntary cancellation of their respective certificates. Rather, the Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate is cancelled, as listed on Attachment A, in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of 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 issuance of a Consummating Order. A protest in one docket should not prevent the action in a separate docket from becoming final. **(McKay)**

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. A protest in one docket should not prevent the action in a separate docket from becoming final.

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ATTACHMENT A

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>Effective Date of Cancellation</u>
031010-TX	Pan American Telecom, Incorporated \$0 Revenues for Period Ended 12/31/02	8076	09/11/03
031014-TX	National Telecom, LLC \$0 Revenues for Period Ended 12/31/02	7839	07/17/03