

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 5262 issued to International Marketing & Advertising, Inc. 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., Reporting Requirements.

DOCKET NO. 981937-TI
ORDER NO. PSC-99-1797-AS-TI
ISSUED: September 15, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

International Marketing & Advertising, Inc. (International Marketing & Advertising) currently holds Certificate of Public Convenience and Necessity No. 5262, issued on November 4, 1997, authorizing the provision of Interexchange Telecommunications service. The Division of Administration advised our staff by memorandum that International Marketing & Advertising had not paid regulatory assessment fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1997. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1997 have not been paid.

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

DOCUMENT NUMBER-DATE

11083 SEP 15 99

APPD-RECORDS/REPORTING

ORDER NO. PSC-99-1797-AS-TI
DOCKET NO. 981937-TI
PAGE 2

of the subsequent year. All entities that apply for certification receive a copy of our rules governing Interexchange Telecommunications service. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed. The RAF form was mailed to International Marketing & Advertising for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed by and delivered to International Marketing & Advertising on December 15, 1997.

On April 7, 1998, the Division of Records and Reporting notified our staff by memorandum that mail to this company was returned by the United States Postal Service stamped "returned to sender" and "attempted, not known." The Division of Administration notified our staff that International Marketing & Advertising had not yet submitted the 1997 RAFs, nor statutory penalties and interest charges for 1997 as of December 2, 1998.

On April 6, 1999, Order No. PSC-99-0675-FOF-TI was issued, to impose a \$1,000 fine for the RAFs Rule violation, and for failure to provide the information required by Rule 25-24.480, Florida Administrative Code, or cancel International Marketing & Advertising's certificate. Thereafter, International Marketing & Advertising's attorney called our staff and advised that the company would pay the past due statutory penalty and interest charges. On April 22, 1999, International Marketing & Advertising paid the past due RAFs, along with accrued statutory penalties and interest charges. By letter dated April 27, 1999, International Marketing & Advertising submitted a settlement offer. International Marketing & Advertising agreed to pay future regulatory assessment fees in a timely manner and contribute \$200 to the State General Revenue Fund. International Marketing & Advertising further stated that the correct reporting requirements information is now on file with the Commission.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. The contribution must identify the docket number and company name. International Marketing & Advertising shall comply with these requirements within ten business days from the effective date of this Order. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the

ORDER NO. PSC-99-1797-AS-TI
DOCKET NO. 981937-TI
PAGE 3

\$200 contribution, this docket shall be closed. If International Marketing & Advertising fails to comply with this Order, its certificate will be canceled administratively with an effective date of December 31, 1998.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that International Marketing & Advertising, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

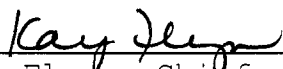
ORDERED that this docket shall remain open pending receipt of the \$200 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if International Marketing & Advertising, Inc. fails to comply with this Order, its Interexchange Telecommunications Certificate No. 5262 will be canceled administratively with an effective date of December 31, 1998. It is further

ORDERED that upon receipt of the \$200 contribution or cancellation of the certificate, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 15th day of September, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

ORDER NO. PSC-99-1797-AS-TI
DOCKET NO. 981937-TI
PAGE 4

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.y