

Talbott : *WJ*
Vandiver: *Stor R*

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

MEMORANDUM

July 24, 1997

RECEIVED

JUL 23 1997

10:40
FPSC - Records/Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB*
DIVISION OF LEGAL SERVICES (K. PEÑA) *KP mCB*

RE: DOCKET NO. 970615-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3125 ISSUED TO COASTAL AUTOMATED COMMUNICATIONS CORP. FOR VIOLATION OF RULE 25-24.480(2), FLORIDA ADMINISTRATIVE CODE, RECORDS AND REPORTS; RULES INCORPORATED, AND RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES.

AGENDA: 08/05/97 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/970615TI.RCM

CASE BACKGROUND

- Coastal Automated Communications Corp. (Coastal) obtained Florida Public Service Commission Interexchange Telecommunications certificate number 3125 on October 30, 1992.
- On February 28, 1997, the Division of Administration mailed Coastal a Delinquent Regulatory Assessment Fee Notice.
- On March 13, 1997, the Division of Administration received the Delinquent Regulatory Assessment Fee Notice back from the Post Office stamped "forwarding order expired" (Attachment A, Page 6).

DOCUMENT NUMBER DATE

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FPSC-RECORDS/REPORTING

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- Staff mailed a certified letter on April 28, 1997, to a new address listed on the returned mail label from the Post Office. This letter was signed for and received, but to date staff has not received a response (Attachment B, Page 7).
- Staff attempted unsuccessfully to reach Coastal by calling the telephone number listed in the Master Commission Directory. Staff left numerous messages on the answering machine, but no calls were returned.
- Staff was notified on May 20, 1997, by the Division of Administration that the regulatory assessment fees for 1992 through 1996 have not been submitted by Coastal.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel Coastal Automated Communications Corp.'s Interexchange Telecommunications Certificate No. 3125 for apparent violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and information required by Rule 25-24.480(2), Florida Administrative Code, are not received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the required information and fine are not received, certificate number 3125 should be canceled. (Biegalski)

STAFF ANALYSIS: Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of an interexchange telephone company (IXC) certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Pursuant to Rule 25-24.480 (2), Florida Administrative Code, each company is allowed 10 days after a change occurs to file

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updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. Mail sent to Coastal on three separate occasions was returned to our Division of Records and Reporting. Numerous attempts to contact Coastal by telephone have been unsuccessful. It has been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information, nor has it requested cancellation of its certificate in compliance with Rule 25-24.474(2), Florida Administrative Code.

In addition, staff has determined that the Office of the Secretary of State revoked the company's authority to operate in Florida as of August 26, 1994, for failure to file its annual report. (Attachment C, Page 8)

Therefore, staff recommends that the Commission assess a \$500 fine for failure to comply with Commission rules and cancel Coastal's certificate if the fine is not paid and the information received within the specified time.

ISSUE 2: Should the Commission impose a \$500 fine or cancel Coastal's Interexchange Telecommunications Certificate No. 3125 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and the regulatory assessment fees, including statutory penalties and interest, are not received, certificate number 3125 should be canceled. (Biegalski)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides

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for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

On May 20, 1997, the Division of Communications staff learned that Coastal had not submitted the regulatory assessment fees for the years 1992-1996, along with statutory penalties and interest charges. Therefore, the company has failed to comply with Rule 25-4.0161, Florida Administrative Code.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with Commission rules or cancel certificate number 3125 if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within the specified time.

ISSUE 3: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to Coastal pursuant to Rule 25-24.4701(3), Florida Administrative Code, if certificate number 3125 is canceled?

RECOMMENDATION: Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, the Commission should order all certificated interexchange companies to discontinue providing interexchange telecommunications service to Coastal if Coastal's certificate is canceled at the conclusion of the protest period for failure to provide the information, submit the delinquent regulatory assessment fees, and pay the fines as required in Issue 1 and 2. The Order should state that any IXC providing service to Coastal must contact the Commission at the conclusion of the protest period as set forth in the Order to determine whether the certificate has been canceled.

(Biegalski)

STAFF ANALYSIS: Rule 25-24.4701(3), Florida Administrative Code, states in part:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the

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interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

If Coastal's certificate is canceled, any intrastate interexchange service offered by Coastal would be in violation of Rule 25-24.4701(3), Florida Administrative Code. Since the Commission cannot readily identify which IXC provides service to Coastal, the Commission should order all certificated IXCs to discontinue service to Coastal if Coastal fails to comply with the terms of the Commission's order resulting from these recommendations. The Order should state that any IXC providing service to Coastal must contact the Commission at the conclusion of the protest period as set forth in the Order to determine whether the certificate has been canceled.

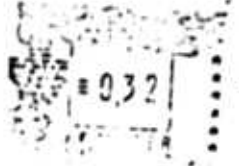
ISSUE 4: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, and receipt of the required information, or cancellation of the certificate, this docket should be closed. (Peña)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issues 1 and 2, then Coastal will have 21 days from the issuance date of the Order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed upon payment of the fines and fees and receipt of the required information, or upon cancellation of the certificate.

State of Florida
Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



COAS002* 197202006 1995 03/07/97
FORWARD TIME EXB RTN TO SEND
COASTAL AUTOMATED COMMUNICAST 08
PO BOX 721
NEW CASTLE DE 19720-0721

~~19720-0721~~



Is your RETURN ADDRESS completed on the reverse side?	SENDER: * Complete items 1 and/or 2 for additional services. * Complete items 3, 4a, and 4b. * Print your name and address on the reverse of this form so that we can return the card to you. * Attach this form to the front of the mailpiece, or on the back if space does not permit. * Write "Return Receipt Requested" on the mailpiece below the article number. * The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
	3. Article Addressed to: - Mr. William Rovin Coastal Automated Communications Corp. P. O. Box 721 New Castle, DE 19720-0721	4a. Article Number P234 21 810	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name) <i>[Signature]</i>	7. Date of Delivery		
6. Signature: (Addressee or Agent) X	8. Addressee's Address (Only if requested and fee is paid)		



PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

ATTACHMENT C
DOCKET NO. 970615-T1
JULY 24, 1997
6/11/97

CORPORATE DETAIL RECORD SCREEN

3:11 PM

NUM: P39447 ST:DE INACTIVE/FOREIGN PROF FLD: 06/29/1992
LAST: REVOKED FOR ANNUAL REPORT FLD: 08/26/1994
FEI#: 51-0310702

NAME : COASTAL AUTOMATED COMMUNICATIONS CORP.
PRINCIPAL: 2 READS WAY, SUITE 126
ADDRESS NEW CASTLE, DE 19720
RA NAME : THE PRENTICE-HALL CORPORATION SYSTEM, INC.
RA ADDR : 110 NORTH MAGNOLIA STREET
TALLAHASSEE, FL 32301 US

ANN REP : (1993) BN 03/17/93

1. MENU, 3. OFFICERS, 4. EVENTS, 7. LIST, 8. NEXT, 9. PREV

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT -----
ENTER SELECTION AND <CR>: >