

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: JANUARY 21, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Aji*
DIVISION OF LEGAL SERVICES (K. PEÑA) *MBB for RP*

RE: DOCKET NO. 981660-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3185 ISSUED TO INTELICOM CORPORATION D/B/A INTELICOM, FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 02/02/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981660.RCM

CASE BACKGROUND

Intelicom Corporation d/b/a Intelicom obtained Florida Public Service Commission Interexchange Telecommunications Certificate Number 3185 on August 3, 1993.

On December 11, 1997, the Division of Administration mailed the regulatory assessment fee (RAF) notice by certified mail. Staff received the return receipt from the United States Postal Service (USPS) which showed that the RAF notice was signed for and delivered on December 15, 1997.

The Division of Administration advised staff by memorandum that this company had not paid the full amount due of its 1996

DOCUMENT NUMBER-DATE

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RAFs, the 1997 RAFs, plus statutory penalties and interest charges for the years 1996 and 1997.

After the docket was opened, but prior to staff filing a recommendation, a representative of Intelicom contacted staff and stated that the company wanted to keep its certificate, would pay all past due charges and make a settlement offer. The company has since paid the full amount due including statutory penalty and interest charges, proposed to pay a \$100 contribution and pay future regulatory assessment fees on a timely basis. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Intelicom to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept Intelicom's settlement offer. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Isler)

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

The Division of Administration notified staff by memorandum that the company had not submitted the full amount due for the 1996 regulatory assessment fees, the 1997 RAFs, along with statutory penalties and interest charges for both years.

After the docket was opened, but prior to staff filing a recommendation, a representative of Intelicom contacted staff and stated that the company wanted to keep its certificate, would pay all past due charges and make a settlement offer. The company has

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since paid the full amount due including statutory penalty and interest charges, proposed to pay a \$100 contribution and pay future regulatory assessment fees on a timely basis. (ATTACHMENT A)

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$100 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes. (K. Peña)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.

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ATTACHMENT A

981660-TI

INTELICOM

December 28, 1998

Via Overnight Delivery and Facsimile Transmission
Paula Isler
Florida Public Service Commission

Re: Regulatory Assessment Fees

Dear Paula Isler:

We have sent checks totaling the amount of \$257.99 to cover the past due amount and penalties for 1996 and 1997 Regulatory Assessment Fees. The 1996 shortfall was an oversight. The 1997 fees were an oversight due to a change in management responsible for doing the filings on the companies behalf. You can be well assured that all future RAF's will be paid by the January 30th deadline every year. We would like to offer a monetary settlement of \$100 in lieu of having our certificate canceled or paying a \$500 fine. We would appreciate your understanding and assistance in clearing up this matter and bringing us in compliance immediately.

Sincerely,

Intelicom



David Kanstoroom - CEO

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