

SCANNED

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING

59 FEB - 3 PM 1:34

RECEIVED-FPSC

DATE: FEBRUARY 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Dji*
DIVISION OF LEGAL SERVICES (B. KEATING) *BR mcb*

RE: DOCKET NO. 981721-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4012 ISSUED TO CALL AMERICA LONG DISTANCE, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 02/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981721.RCM

CASE BACKGROUND

Call America Long Distance, Inc. obtained Florida Public Service Commission IXC Certificate No. 4012 on March 14, 1995.

The Division of Administration mailed the 1997 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 its 1997 RAF, plus statutory penalty and interest charges for the year 1997.

DOCUMENT NUMBER-DATE

~~981721-38~~

FPSC-RECORDS/REPORTING

After the docket was opened, Mr. Kevin Dornan, the company's General Counsel, called staff on December 22, 1998 and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount on January 19, 1999, plus paid the 1998 regulatory assessment fees. In addition, the company proposed to pay future regulatory assessment fees by the due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

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

RECOMMENDATION: Yes. The Commission should accept the company'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 Call America Long Distance, Inc. had not submitted the regulatory assessment fees for 1997, along with statutory penalty and interest charges for the year 1997.

After the docket was opened, Mr. Kevin Dornan, the company's General Counsel, called staff on December 22, 1998 and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount on January 19, 1999, plus paid the 1998 regulatory

DOCKET NO. 981721-TI
DATE: FEBRUARY 4, 1999

assessment fees. In addition, the company proposed to pay future regulatory assessment fees by the due date of each year and offered a \$100 settlement to resolve this case. (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. (B. Keating)

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.

DOCKET NO. 98-21-TI
DATE: FEBRUARY 4, 1999
ATTACHMENT A

981721



8421 Baymeadows Way Suite 1 Jacksonville, FL. 32256 Phone 904-636-9993 Fax 904-636-0034

RECEIVED

JAN 14 1999

CMU

12 January 1999

Via Facsimile (850-413-7118) & U.S. Mail

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Attn: Ms. Paula Isler

Re: Docket No. 981721-TI, Call America Long Distance, Inc.

Dear Ms. Isler:

We have received the Docket Notice in the above-referenced matter.

Please assure the Commission that the failure to timely pay our 1997 Regulatory Assessment Fee of \$50.00 was entirely an oversight. Accordingly, we have paid the past due amount of \$68.00 (\$50.00 plus \$5.50 interest plus \$12.50 penalty), a copy of which check is attached hereto.

In addition, we have paid our 1998 Regulatory Assessment Fee of \$50.00 (a copy of which check is attached hereto), and will take care in the future to pay all assessments by January 30th of each year.

To bring the above-referenced Docket matter to a conclusion, we would like to make a settlement proposal of \$100.00. We hope this proposal will be acceptable to the Commission.

Thank you for your assistance in this matter, and again may I express our apologies for this oversight. We look forward to a favorable response from the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin W. Dorman".

Kevin W. Dorman, Esq.
General Counsel

Attachments

- 4 -

Changing the way the world communicates