

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-**

DATE: FEBRUARY 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pij* *in*  
DIVISION OF LEGAL SERVICES (J. MILLER) *Jan* *MCB*

RE: DOCKET NO. 981883-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4824 ISSUED TO INTERNATIONAL TELEPHONE GROUP, 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\981883.RCM

### CASE BACKGROUND

International Telephone Group, Inc. obtained Florida Public Service Commission IXC Certificate No. 4824 on July 31, 1997.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the unopened envelope but no reason was given for the returned mail.

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

01353 FEB-38

FPSC-RECORDS/REPORTING

After the docket was opened, Ms. Rose Romano called staff on January 12, 1999, on behalf of the company's president, Mr. Richard Boudria. Ms. Romano 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 13, 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 International Telephone Group, 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 International Telephone Group, 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, Ms. Rose Romano called staff on January 12, 1999, on behalf of the company's president, Mr. Richard Boudria. Ms. Romano 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 13, 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)

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. (J. Miller)

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. 981883-TT  
DATE: FEBRUARY 4, 1999  
ATTACHMENT A

## Telephone Group Inc.

January 12, 1999

Paula Isler  
State of Florida  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

VIA FACSIMILE: 850 413-6503

Dear Ms. Isler:

This letter is in response to the fax we received on January 11, 1999. Upon calling the Public Service Commission, we discovered that the 1997 Regulatory Assessment Fee was not paid due to the US Postal Office returning the forms back to Florida PSC. We moved one office building over from 1300 Mount Kemble Avenue to 1500 Mount Kemble Avenue.

I, as President, will assure you that all future Regulatory Assessment Fees will be paid on a timely basis. In addition, you can verify from the State of Florida Department of Revenue that we have always paid our Telecommunication taxes on a timely basis.

Please re-instate our Certificate Number 4824 for this simple misunderstanding of the US Postal Service returning the Regulatory Assessment Form back to the Florida PSC. I understand that the ultimate responsible is upon us. However, we started in 1997 and this was the first year we were to file with Florida PSC. Please accept our offer of \$100 in lieu of the \$500.00 fine.

Thank you for your assistance and consideration in this matter. We will overnight the 1997 and 1998 Regulatory Assessment Form and Fee of \$50 via Airborne for tomorrow, January 13, 1999, delivery.

Sincerely,

Richard M. Boudria  
President

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