

State of Florida



Public Service Commission

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

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RECEIVED-FPSC
93 MAR - 2 PM 4:13
RECORDS AND REPORTING

DATE: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Dji*
DIVISION OF LEGAL SERVICES (J. MILLER) *Jan McB*

RE: DOCKET NO. 981687-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 3562 ISSUED TO RAPID LINK USA, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981687.RCM

CASE BACKGROUND

Rapid Link USA obtained Florida Public Service Commission IXC Certificate No. 3562 on July 6, 1994.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) did not return the receipt or unopened envelope.

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 years 1994, 1995, 1996, and 1997.

DOCUMENT NUMBER-DATE
02717 MAR-3 99
FPSC-RECORDS/REPORTING

DOCKET NO. 981687-1
DATE: MARCH 4, 1999

After the docket was opened, Mr. Timothy Wise called staff on January 27, 1999, 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 in full. 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 Rapid Link USA 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 the company had not submitted the 1997 regulatory assessment fees, along with statutory penalty and interest charges for the years 1994, 1995, 1996, and 1997.

After the docket was opened, Mr. Timothy Wise called staff on January 27, 1999, 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 in full. In addition, the company proposed to pay future regulatory assessment fees by

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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.



RAPID LINK[®]
 Telecommunications

DOCKET NO. 981687-TI TA 30319
 DATE: MARCH 4, 1999
 ATTACHMENT A

RECEIVED

FEB 23 1999

CMU

February 22, 1999

VIA FACSIMILE AND FEDEX

Ms. Paula Isler,
FLORIDA PUBLIC SERVICE COMMISSION
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850

Attention: Fiscal Services

Dear Paula:

I am writing to request that you recommend that Rapid Link USA, Inc. continue its certification in the State of Florida. Rapid Link has made payment of all past due amounts and will pay all future amounts related to its certification in a timely manner. Rapid Link is also willing to make a settlement payment in the amount of \$100.00 to avoid decertification.

I would appreciate your recommendation of continued certification for Rapid Link. Of course, if you have any further questions or need additional information, please feel free to contact me.

Sincerely,

Timothy D. Wise

TDW/ta

ADMINISTRATION
 MAIL ROOM
 FEB 23 10 16 AM '99

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