

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: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Dji*
DIVISION OF LEGAL SERVICES (K. PEÑA) *MM MCB*

RE: DOCKET NO. 981944-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 5278 ISSUED TO TELSTAR INTERNATIONAL, INC. D/B/A TELSTAR LONG DISTANCE, 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\981944.RCM

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PRODUCTION AND REPORTING

CASE BACKGROUND

Telstar Long Distance obtained Florida Public Service Commission IXC Certificate No. 5278 on December 5, 1997.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt, which showed the RAF notice was signed for and delivered on January 29, 1998.

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

02725 MAR-3 99

FPSC-RECORDS/REPORTING

After the docket was opened, Ms. Paula Barker, Director of Operations, called staff on January 14, 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. 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 Telstar 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 the company had not submitted the 1997 regulatory assessment fees, along with statutory penalty and interest charges for the year 1997.

After the docket was opened, Ms. Paula Barker, Director of Operations, called staff on January 14, 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. The company proposed to pay future regulatory assessment

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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. (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



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MAIL ROOM

January 18, 1999

Paula Isler
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Ms. Isler:

This letter is in response to our phone conversation on January 14, 1998 regarding Docket Number 981944-TI which scheduled the certificate cancellation of Telstar International, Inc., d/b/a Telstar Long Distance, Inc.

Due to the oversight of a former Telstar employee, Telstar failed to pay the Interexchange Company Regulatory Assessment Fee for 1997. This form has been completed and mailed via certified US Mail along with check number 3515 in the amount of Sixty-eight dollars and fifty cents (\$68.50). This figure includes our past due assessment fee plus penalties and interest.

We sincerely apologize for the omission on our part. In addition to our 1997 return, Telstar's Interexchange Company Regulatory Assessment Fee Return for 1998 has also been sent with a check for fees due. Along with our promise that all future assessment fees will be paid on or before the due date, we would like to offer to pay \$100.00 in lieu of the \$500.00 fine for this offense.

Thank you for your generous assistance with this matter. If you have any questions, you may reach me at 770-941-2334, ext. 189.

Sincerely,

A handwritten signature in cursive script that reads 'Paula Barker'.

Paula Barker
Director of Operations
Telstar International, Inc.

Enclosures (4)

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