

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  
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**DATE:** MARCH 4, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Pij* *RD*  
DIVISION OF LEGAL SERVICES (B. KEATING) *B/K* *MB*

**RE:** DOCKET NO. 981905-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 5263 ISSUED TO ADELPHIA TELECOMMUNICATIONS OF FLORIDA, 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\981905.RCM

### CASE BACKGROUND

Adelphia Telecommunications of Florida, Inc., obtained Florida Public Service Commission IXC Certificate No. 5263 on November 22, 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 27, 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

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FPSC-RECORDS/REPORTING

After the docket was opened, Ms. Noelle Kinsch, Attorney, called staff on January 20, 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 Adelphia Telecommunications of Florida 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. Noelle Kinsch, Attorney, called staff on January 20, 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

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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.

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ATTACHMENT A

in at Water Street  
udersport PA 16915-1141

**Adelphia**

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MAIL ROOM

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February 23, 1999

**VIA FEDERAL EXPRESS**  
**FIRST DELIVERY**

Ms. Paula J. Isler  
Research Assistant  
Bureau of Service Evaluation  
State of Florida  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED

FEB 25 1999

CMU

Re: Docket No. 981905-TI - Cancellation by Florida Public Service  
Commission of IXC Certificate No. 5263 Issued to Adelphia  
Telecommunications of Florida, Inc. for Violation of Rule 25-4.0161  
F.A.C., Regulatory Assessment Fees

Dear Ms. Isler:

On December 18, 1998, the Florida Public Service Commission initiated the above-referenced proceeding regarding Adelphia Telecommunications of Florida, Inc.'s ("Adelphia") failure to pay its 1997 Florida regulatory assessment fees.

Adelphia apologizes for the inadvertent delay in the payment of its 1997 fees. To date, all outstanding fees have been paid by Adelphia.<sup>1</sup> In addition, Adelphia promises to pay all future regulatory assessment fees by the due date.

Adelphia respectfully requests that this matter be resolved short of the cancellation of Adelphia's IXC certificate. Given that this is Adelphia's first offense, it is my understanding that the Commission would consider a one hundred dollar (\$100) fine in lieu of any other Commission action. Adelphia would voluntarily agree to pay a fine in that amount. Please let me know if this is an acceptable solution.

<sup>1</sup> Attached are copies of the checks that were submitted to the Commission.

Ms. Paula I. Isler

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ATTACHMENT A

Thank you for your assistance with this matter. If you have any questions regarding the above, please contact me.

Sincerely,



John B. Glicksman  
Deputy General Counsel for  
Operations

cc: Brian T. FitzGerald, Esq.  
Noelle M. Kinsch, Esq.