

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) *PIJ*
DIVISION OF LEGAL SERVICES (J. MILLER) *JM*
Jan MB

RE: DOCKET NO. 981918-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 2292 ISSUED TO SUNTEL NETWORK, 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\981918.RCM

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RECORDS AND REPORTING

CASE BACKGROUND

Suntel Network, Inc. obtained Florida Public Service Commission IXC Certificate No. 2292 on March 2, 1989.

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 19, 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 years 1991 and 1997.

DOCUMENT NUMBER-DATE

02727 MAR-38

FPSC-RECORDS/REPORTING

After the docket was opened, Mr. Richard Kirkwood, President, called staff on January 12, 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 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 Suntel Network, 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 Suntel Network, Inc. had not submitted the regulatory assessment fees for 1997, along with statutory penalty and interest charges for the years 1991 and 1997.

After the docket was opened, Mr. Richard Kirkwood, President, called staff on January 12, 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 addition, 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. (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.



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ATTACHMENT A

SUNTEL NETWORK

127 N. MAGNOLIA
ORLANDO, FL 32801
407-872-0470
800-785-1355
FAX 407-872-0547

2/24/99

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Dear Ms. Isler:

In reference to Docket 981918-TI regarding the delinquency of Regulatory Assessment Fees, We are sincerely sorry that we have been delinquent on are fees and promise to file and pay them on a timely basis in the future. We would like to request that you accept \$100.00 in settlement of our past delinquency along with our promise to be timely in the future.

Sincerely,

Richard J. Kirkwood
President

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FLORIDA'S COMPLETE TELECOMMUNICATIONS COMPANY