

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

MAR-3 PM 4:12

RECEIVED-FPSC

**DATE:** MARCH 4, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *PK*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *MP MB*

**RE:** DOCKET NO. 981903-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 5224 ISSUED TO OLS, 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\981903.RCM

## CASE BACKGROUND

OLS, Inc. obtained Florida Public Service Commission IXC Certificate No. 5224 on October 7, 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 stamped "return to sender" and "refused."

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.

After the docket was opened, Ms. Geri Clary called staff on January 12, 1999, and advised that the company wanted to keep its

DOCUMENT NUMBER-DATE

02728 MAR-3 99

FPSC-RECORDS/REPORTING

certificate. On January 19, Ms. Rogena Harris, attorney for the company called and advised it 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 OLS, 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. Geri Clary called staff on January 12, 1999, and advised that the company wanted to keep its certificate. On January 19, Ms. Rogena Harris, attorney for the company called and advised it 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

DOCKET NO. 981903-11  
DATE: MARCH 4, 1999

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.

DOCKET NO. 981903-TI  
DATE: MARCH 4, 1999  
ATTACHMENT A

**HELEIN & ASSOCIATES, P. C.**

ATTORNEYS AT LAW

8180 GREENSBORO DRIVE  
SUITE 700  
MCLEAN, VA 22102

(703) 714-1300 (TELEPHONE)  
(703) 714-1330 (FACSIMILE)

mail@helein.com (EMAIL)

WRITER'S DIRECT DIAL NUMBER:

WRITER'S DIRECT EMAIL ADDRESS:

(703) 714-1307

January 28, 1999

rharris@helein.com

**VIA OVERNIGHT DELIVERY**

Division of Records and Reporting  
Florida Public Service Commission  
Attn: Ms. Paula Isler  
Research Assistant  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED

FEB 29 1999

CMU

Re: Docket No. 981903-TI Consideration of Cancellation by Florida Public Service Commission of IXC Certificate No. 5224 issued to OLS, Inc. for violation of Rule 25-4.0160, F.A.C., Regulatory Assessment Fees: Telecommunications Companies

Dear Ms. Isler:

This firm represents OLS, Inc. ("OLS"), a reseller of long distance telecommunications services within Florida. We are in receipt of the Case Assignment and Scheduling Record for the docket referenced above.

Per our conversation, I understand that this case was docketed on account of OLS's failure to pay its 1997 Regulatory Assessment Fees in a timely manner. As we discussed, OLS never received the notice for the 1997 Regulatory Assessment Fee. Although your office shows that the notice was mailed to the address on file at that time with the Florida Public Service Commission, and that, when attempt at delivery was made, the notification was refused, OLS employees would not have refused mail. OLS management can only surmise that, possibly due to the fact that its zip code had changed at the time delivery was attempted, the item was misdelivered and refused by whomever it was misdelivered to. You stated that it is the carrier's responsibility to pay the fee in a timely manner, whether notice is received or not.

1997 was the first year that OLS owed the Florida Regulatory Assessment Fee, having only received the authority to offer services in Florida in October of 1997. OLS did not receive the 1997 Regulatory Assessment Fee notice, and having not yet gone through the Florida regulatory assessment fee-paying cycle even once, OLS's own "tickler" reminder systems were not yet perfect. OLS has now filed its Interexchange Company Regulatory Assessment Fee Return for 1997 along

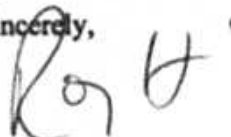
DOCKET NO. 981903-TI  
DATE: MARCH 4, 1999  
ATTACHMENT A

Ms. Paula Isler  
January 28, 1999  
Page 2

with its check for the amount owed, \$68.50. In lieu of proceeding with the docket referenced above, OLS respectfully offers \$100 in settlement.

An extra copy of this filing is enclosed. Please date-stamp and return the extra copy in the self-addressed, stamped envelope provided. If you have any questions regarding this filing, please contact me at the number listed above.

Sincerely,



Rogena Harris