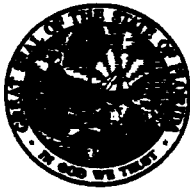


State of Florida



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 18, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Dir*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *UMP MCB*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALEC
CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C.,
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES *NRB for BK*

DOCKET NO. 981963-TX - ADVANCED CELLULAR CORPORATION
DOCKET NO. ████████ X - AMERICA'S TELE-NETWORK CORP.
DOCKET NO. 981966-TX - AMERITECH COMMUNICATIONS
INTERNATIONAL, INC.
DOCKET NO. 981969-TX - ANNOX, INC.
DOCKET NO. 981970-TX - CONNECT USA, INC.
DOCKET NO. 981971-TX - EVERGLADES NATIONAL
COMMUNICATION NETWORK, INC.

AGENDA: 03/30/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981963.RCM

CASE BACKGROUND

1.) Docket #981963-TX - Advanced Cellular Corporation - This company obtained Certificate No. 5269 on 11/24/97. The Division of Administration sent 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 26, 1998. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalty and interest charges for the year

DOCUMENT NUMBER-DATE

03527 MAR 18 99

FPSD-RECORDS/REPORTING

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1997. As of March 9, 1999, the company has not paid the past due amount.

2.) Docket #981964-TX - America's Tele-Network Corp. - This company obtained Certificate No. 4834 on 04/15/97. The Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt, which showed the RAF notice was signed for and delivered on December 15, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalty and interest charges for the year 1997. As of March 9, 1999, the company has not paid the past due amount.

3.) Docket #981966-TX - Ameritech Communications International, Inc. - This company obtained Certificate No. 4840 on 04/15/97. The Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt, which showed the RAF notice was signed for and delivered on December 17, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalty and interest charges for the year 1997. As of March 9, 1999, the company has not paid the past due amount.

4.) Docket #981969-TX - Annox, Inc. - This company obtained Certificate No. 5189 on 07/25/97. The Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt, which showed the RAF notice was signed for and delivered on December 13, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalty and interest charges for the year 1997. As of March 9, 1999, the company has not paid the past due amount.

5.) Docket #981970-TX - Connect USA, Inc. - This company obtained Certificate No. 5199 on 08/14/97. The Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt, which showed the RAF notice was signed for and delivered on December 15, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalty and interest charges for the year 1997. As of March 9, 1999, the company has not paid the past due amount.

6.) Docket #981971-TX - Everglades National Communication Network, Inc. - This company obtained Certificate No. 5227 on

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09/12/97. The Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt, which showed the RAF notice was signed for and delivered on December 15, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalty and interest charges for the year 1997. As of March 9, 1999, the company has not paid the past due amount.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel the ALEC certificates issued to each company listed on page 5 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within five business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the alternative local exchange company certificate numbers listed on page 5 should be canceled with an effective date of December 31, 1998. (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.

Staff was notified by the Division of Administration that each of the alternative local exchange providers listed on page 5 had not paid their 1997 regulatory assessment fees, plus statutory

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penalties and interest. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with the Commission rules or cancel the companies respective certificate numbers if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within five business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the certificate numbers listed on page 5 should be canceled with an effective date of December 31, 1998.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, or cancellation of the certificate, these dockets should be closed. A protest in one docket should not prevent the action in a separate docket from becoming final. (K. Peña; B. Keating)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon payment of the fines and fees, or upon cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>RAFs</u>	<u>P and I</u>
981963-TX	Advanced Cellular Corp.	5269	1997	1997
981964-TX	America's Tele-Network Corp.	4834	1997	1997
981966-TX	Ameritech Communications	4840	1997	1997
981969-TX	Annox, Inc.	5189	1997	1997
981970-TX	Connect USA, Inc.	5199	1997	1997
981971-TX	Everglades National Communication	5227	1997	1997