

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: APRIL 8, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *DJi RMT*
DIVISION OF LEGAL SERVICES (K. PENA; B. KEATING) *AK*

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.

DOCKET NO. 981962-TX - FLORIDA CITY-LINK COMMUNICATIONS, INC.

DOCKET NO. 981963-TX - ADVANCED CELLULAR CORPORATION

DOCKET NO. 981967-TX - MET COMMUNICATIONS, INC.

DOCKET NO. 981968-TX - EASTON TELECOM SERVICES INC.

AGENDA: 04/20/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981962.RCM

CASE BACKGROUND

1) Docket No. 981962-TX - Florida City-Link Communications, Inc. - This company obtained Certificate No. 5260 on 11/11/97. 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 that the RAF notice was signed for and delivered on December 16, 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 year 1997.

DOCUMENT NUMBER-DATE

04479 APR-79

FPSC-RECORDS/REPORTING

This docket was deferred from the March 16, 1999 Agenda Conference at the company's request. Mr. Terry Parrish, Consultant to the company, called staff 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.

2) Docket No. 981963-TX - Advanced Cellular Corporation - This company obtained Certificate No. 5269 on 11/24/97. The Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned receipt, which showed the notice was signed for and delivered on January 26, 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.

This docket was deferred from the March 30, 1999 Agenda Conference at the company's request. Ms. Eva Sokolewicz called staff 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.

3) Docket No. 981967-TX - MET Communications, Inc. - This company obtained Certificate No. 5186 on 07/25/97. The Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned receipt, which showed the notice was signed for and delivered. 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, but prior to a recommendation being filed, Mr. Jorge Gutierrez called staff 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.

4) Docket No. 981968-TX - Easton Telecom Services Inc. - This company obtained Certificate No. 5187 on 07/25/97. The

Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned receipt, which showed the notice was signed for and delivered on December 15, 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 year 1997.

After the docket was opened, but prior to a recommendation being filed, a representative from Patrick Crocker's office called staff 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.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offers proposed by each company listed on page 4 to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept each company's settlement offer as listed on page 4. Any contribution should be paid by the companies within five business days from the effective date of the Commission Order. The Commission should forward the contributions 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 each company listed on page 4 had not submitted the 1997

regulatory assessment fees, along with statutory penalty and interest charges for the year 1997. In Dockets 981962-TX and 981963-TX, Orders were issued which imposed a \$500 fine to each company and the companies were required to pay the fine and fees. All four companies have since paid the past due amounts in full and made settlement offers.

Accordingly, staff believes the terms of the settlement agreements as summarized in this recommendation should be accepted. Any contribution should be paid by the companies within five business days from the effective date of the Commission Order. The Commission should forward the contributions 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 these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$100 contributions, these dockets should be closed. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contributions, these dockets should be closed. The contributions 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. 981962-TX, 981963-TX, 981967-TX, 981968-TX
DATE: APRIL 8, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>Settlement Amount</u>
981962-TX	Florida City-Link Communications, Inc.	5260	\$100
981963-TX	Advanced Cellular Corporation	5269	\$100
981967-TX	MET Communications, Inc.	5186	\$100
981968-TX	Easton Telecom Services Inc.	5187	\$100