

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 (BAYÓ)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *PK RT*
DIVISION OF LEGAL SERVICES (WATTS) *CBW MCB*

RE: DOCKET NO. 981516-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 4614 ISSUED TO RPM COMMUNICATIONS, INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981516.RCM

CASE BACKGROUND

RPM Communications, Inc. obtained Florida Public Service Commission PATS Certificate No. 4614 on June 1, 1996.

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 "unclaimed."

The Division of Administration advised staff by memorandum that this company had not paid its 1996 and 1997 RAF, plus the 1996 and 1997 statutory penalty and interest charges.

DOCUMENT NUMBER-DATE

04528 APR-88

FPSC-RECORDS/REPORTING

On January 29, 1999, Order No. PSC-99-0171-FOF-TC was issued, which imposed a \$500 fine and required payment of the fine and past due fees by February 26, 1999. The Division of Administration notified staff that the company's 1998 RAF form was returned by the company and stated that it had previously requested voluntary cancellation of its certificate. Staff wrote the company and explained that the Commission has no record of receiving its previous letter and requested a copy by March 23, 1999. As of April 1, 1999, staff has not received a copy of the letter. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant RPM Communications, Inc. a voluntary cancellation of its PATS Certificate No. 4614?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should involuntarily cancel RPM Communications, Inc.'s certificate with an effective date of December 31, 1998. (Isler)

STAFF ANALYSIS: Rule 25-24.514, Florida Administrative Code, Cancellation of a Certificate, provides that the Commission may cancel a company's certificate for violation of Commission rules and orders or Florida Statutes. In addition, Rule 25-24.514(2)(a) and (b), F.A.C., states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be canceled.

The Division of Administration's records show that as of April 1, 1999, RPM Communications, Inc. has not paid the past due fees nor provided a copy of its previous request for cancellation of its certificate. Since the company's certificate remains active until it requests a voluntary cancellation and complies with the

cancellation rule, or the Commission involuntarily cancels the certificate for a rule violation, RPM Communications, Inc. is responsible for the regulatory assessment fees. The company continues to be in violation of Commission rules by not paying the regulatory assessment fees; therefore, a voluntary cancellation would be inappropriate. Since the company is no longer in business, staff believes that no purpose would be served in requiring the company to pay a fine. By involuntarily cancelling this company's certificate, staff would be able to track this company should it apply for another certificate with the Commission in the future.

Accordingly, staff believes the company's certificate should be involuntarily canceled with an effective date of December 31, 1998.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (Watts)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.