

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2<sup>ND</sup> SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-8850

## -M-E-M-O-R-A-N-D-U-M-

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99 APR -8 AM 11:31  
RECORDS AND REPORTING

DATE: APRIL 8, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *JK RMT*  
DIVISION OF LEGAL SERVICES (COX) *WEC MCB*

RE: DOCKET NO. 981897-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4875 ISSUED TO INTERNATIONAL GATEWAY 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\981897.RCM

### CASE BACKGROUND

International Gateway Communications, Inc. obtained Florida Public Service Commission IXC Certificate No. 4875 on July 18, 1997.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) did not return the receipt or unopened envelope.

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

DOCUMENT NUMBER-DATE

04534 APR-89

FPSC-RECORDS/REPORTING

On March 3, 1999, Order No. PSC-99-0435-FOF-TI was issued, which imposed a \$500 fine and required payment of the fine and past due fees by March 31, 1999. The Division of Administration notified staff that the company's 1998 RAF form was returned by the company and stated that it had ceased doing business. Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant International Gateway Communications, Inc. a voluntary cancellation of its IXC Certificate No. 4875?

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

**STAFF ANALYSIS:** Rule 25-24.474(1), 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 25-24.474(2)(a), (b), (c), and (d), 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.
- (c) A statement on treatment of customer deposits and final bills.
- (d) Proof of individual customer notice regarding discontinuance of service.

The Division of Administration's records show that as of April 1, 1999, International Gateway Communications, Inc. has not paid the past due fees. 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

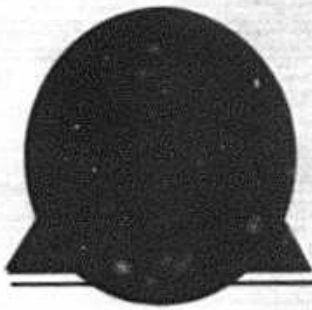
certificate for a rule violation, International Gateway is responsible for the regulatory assessment fees. The company continues to be in violation of Commission rules by not paying the regulatory assessment fees; therefore, a voluntary cancellation would be inappropriate. Since the company is no longer 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. (Cox)

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



# INTERNATIONAL GATEWAY COMMUNICATIONS

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RECORDS AND  
REPORTING

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March 8, 1999

State of Florida  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: International Gateway Communications, Inc.  
FEIN #36-3825351  
IBT#2446-2462  
IM-01307

To Whom It May Concern,

International Gateway Communications, Inc. has ceased any business operation since 09/30/97.

If you have any questions, please call me at (708)489-6800. ext. 1315.

Thank you for your help in this matter.

Sincerely,

Limahl Q Robinson

Assistant Controller