

State of Florida



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-FPSC  
99 MAY 6 AM 11:25  
RECORDS AND REPORTING

**DATE:** MAY 6, 1999

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

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *Dix*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *WMP CB*

**RE:** DOCKET NO. 981621-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 2494 ISSUED TO GROUP LONG DISTANCE, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 05/18/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981621.RCM

### CASE BACKGROUND

- 02/12/92 - This company obtained Florida Public Service Commission IXC Certificate No. 2494.
- 12/11/97 - The Division of Administration mailed the regulatory assessment fee (RAF) notice by certified mail.
- 12/15/97 - The United States Postal Service (USPS) returned the receipt, which showed the RAF notice was signed for and delivered.
- 01/30/98 - The RAFs payment was due. The Division of Administration advised staff by memorandum that this company

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had not paid its 1997 RAF, plus statutory penalty and interest charges for the years 1996 and 1997.

- 02/09/99 - Order No. PSC-99-0230-FOF-TI was issued, which imposed a \$500 fine for nonpayment of the 1997 RAFs. The company had until March 2, 1999 to protest the Order and until March 9, 1999, to pay the fine and past due regulatory assessment fees.
- 02/19/99 - The company responded to the Order by letter dated February 15, 1999.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission vacate Order No. PSC-99-0230-FOF-TC for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should vacate Order No. PSC-99-0230-FOF-TC for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. (Isler)

**STAFF ANALYSIS:** Rule 25-4.0161, Florida Administrative Code, requires the payment of regulator 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 regulatory assessment fees for 1997, along with statutory penalties and interest charges for the year 1997.

On February 9, 1999, Order No. PSC-99-0230-FOF-TC was issued which imposed a \$500 fine for nonpayment of the regulatory assessment fees. The company responded to the Order, which stated that it had provided staff with a copy of its original and amended 1997 returns, along with the RAFs for its other certificates. The letter stated that since it had a credit balance, the company requested that the credit be applied to the outstanding balance due for the certificated company that is the subject of this docket. The company's letter went on to state that it was determined that "the only resolution would be to remit past due fees and interest and separately request a refund for overpayments." The company's letter enclosed the 1997 RAF, including penalty and interest charges, and 1996 outstanding penalty and interest balance.

Even though the company paid the 1997 RAFs after the due date, staff does not believe a \$500 fine is appropriate in this case since it appears the company made a good faith effort to resolve the issues prior to staff docketing this case.

Accordingly, staff believes the Commission should vacate Order No. PSC-99-0230-FOF-TC for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

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ISSUE 2: Should this docket be closed?

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

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.