

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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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) *DSI* *W*
DIVISION OF LEGAL SERVICES (BEDELL) *CB*

RE: DOCKET NO. 981785-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4690 ISSUED TO INTERACTIVE SERVICES NETWORK, INC. D/B/A ISN COMMUNICATIONS, 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\981785.RCM

CASE BACKGROUND

- 08/29/96 - This company obtained Florida Public Service Commission IXC Certificate No. 4690.
- 12/11/97 - The Division of Administration mailed the 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 December 15, 1997.
- 03/01/99 - Order No. PSC-99-0422-FOF-TI was issued, which imposed a \$500 fine. The company had until March 22, 1999 to protest the Order and until March 29 to pay the \$500 fine and past due amount.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- 03/10/99 - Ms. Sandy Spellman, a representative of ISN called staff and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer.
- 03/18/99 - The company paid the 1997 and 1998 regulatory assessment fees.
- 03/19/99 - Staff received a letter from the company's President, Mr. Jonathan Lieberman, which proposed a \$100 settlement.
- 04/27/99 - The outstanding balance of the penalty and interest charges for 1996, 1997, and 1998 were paid in full.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by ISN Communications to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be paid by the company within ten business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of its settlement offer, the company's certificate should be canceled administratively 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.

The Division of Administration notified staff by memorandum that the company had not submitted the regulatory assessment fees for 1997, along with statutory penalty and interest charges for the years 1996 and 1997.

On March 1, 1999, Order No. PSC-99-0422-FOF-TI was issued which imposed a \$500 fine and required payment of the fine and past due amount by March 29, 1999. On March 10, 1999, Ms. Sandy Spellman called staff and advised that the company wanted to keep its certificate, would pay the past due amount, and make a settlement offer.

On March 18, 1999, the company paid a portion of the outstanding balance, but not the full amount. On March 19, 1999, staff received a letter from the company, which proposed a \$100 settlement.

On April 26, 1999, staff called the company and advised it could not recommend approval of its settlement offer since there is still an outstanding balance. The company cut a check the same day and paid the past due amount in full, which includes the penalty and interest charges for all three years.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within ten business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of its settlement offer, the company's certificate should be canceled administratively with an effective date of December 31, 1998.

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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. (Bedell)

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