

SCANNED

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  
95 JUN 17 AM 10:14  
RECORDS AND REPORTING

DATE: JUNE 17, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pji AD*  
DIVISION OF LEGAL SERVICES (B. KEATING) *KL CB*

RE: DOCKET NO. 981721-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4012 ISSUED TO CALL AMERICA LONG DISTANCE, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 06/29/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981721.RCM

### CASE BACKGROUND

- 03/14/95 - Call America Long Distance, Inc. obtained Florida Public Service Commission IXC Certificate No. 4012.
- 12/11/97 - The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. Staff received the return receipt from the USPS, which showed that the RAF notice was signed for and delivered on December 15, 1997.
- 11/05/98 - 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

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FPSC-RECORDS/REPORTING

- **12/22/98** - After the docket was opened, Mr. Kevin Dornan, the company's General Counsel, called staff and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer.
- **01/19/99** - The Division of Administration's records show that the company paid the past due amount in full, including statutory penalty and interest charges, plus the 1998 regulatory assessment fees. 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.
- **03/08/99** - Order No. PSC-99-0478-AS-TI was issued, which accepted the \$100 settlement and required payment by March 15, 1999.
- **04/13/99** - Staff called Mr. Dornan's office and left a voice mail message since the \$100 settlement had not been received.
- **05/05/99** - Staff called the telephone number on Mr. Dornan's letterhead and the fax telephone number, but both had recordings, which advised the numbers had been disconnected. Staff then found another number for the company and left a detailed voice mail message about the settlement payment.
- **05/11/99** - Mr. Dornan called and left a voice mail message which advised that this company is now in bankruptcy proceedings, would not pay the \$100 settlement, and to cancel the certificate.

Therefore, staff believes the following recommendations are appropriate.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Call America Long Distance, Inc. a voluntary cancellation of its IXC Certificate No. 4012?

RECOMMENDATION: Yes. (Isler)

STAFF ANALYSIS: Although the Commission accepted the company's settlement offer to pay a \$100 contribution, this company is no longer providing telecommunications services in Florida since it is in bankruptcy proceedings. The company has paid all outstanding RAFs (1997 and 1998), including statutory penalty and interest charges.

Accordingly, staff believes a voluntary cancellation of the company's IXC Certificate No. 4012 should be granted 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. (B. Keating)

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