

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: AUGUST 5, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (K. PEÑA; BEDELL) *WMM* *CB*

RE: DOCKET NO. 981937-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 5262 ISSUED TO INTERNATIONAL MARKETING & ADVERTISING, INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES AND 25-24.480(2) (A) AND (B), F.A.C., REPORTING REQUIREMENTS.

AGENDA: 08/17/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981937.RCM

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DIVISION
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CASE BACKGROUND

- 11/04/97 - This company obtained Florida Public Service Commission IXC Certificate No. 5262.
- 12/15/97 - The United States Postal Service (USPS) returned the receipt for the 1997 regulatory assessment fee (RAF) notice, which showed the RAF notice was signed for and delivered on this date.
- 04/07/98 - The Division of Records and Reporting notified staff by memorandum that mail to this company was returned by the USPS stamped "return to sender" and "attempted, not known."

DOCUMENT NUMBER-DATE
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RECORDS/REPORTING

- **12/02/98** - The Division of Administration notified staff by memorandum that this company had not paid its 1997 RAFs, plus statutory penalty and interest charges for the year 1997.
- **04/06/99** - By Order No. PSC-99-0675-FOF-TI, the company had 21 days to protest or pay a fine of \$1,000. In the event no response was timely filed, the certificate was to be canceled.
- **04/20/99** - Ms. Kelly Plant, attorney, called staff and asked for the past due amounts and how to resolve this case.
- **04/22/99** - The past due RAFs, including statutory penalty and interest charges were paid in full.
- **04/27/99** - The company hand-delivered a letter from Ms. Plant, which proposed to pay a settlement of \$200 and pay future fees on a timely basis. The letter also stated that the Commission now had the correct reporting requirements information on file.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by International Marketing & Advertising, Inc. to resolve the apparent violations of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and 25-24.480(2)(a) and (b), F.A.C., Reporting Requirements?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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 the Commission Order, the company's certificate should be canceled administratively with an effective date of December 31, 1998. (Isler)

STAFF ANALYSIS: After Order No. PSC-99-0675-FOF-TI was issued, the company's attorney, Ms. Kelly Plant, call staff and requested information on how to resolve this case. Staff provided the information. On April 22, the company paid the past due amount in full, including statutory penalty and interest charges, and on April 27, offered a settlement in the amount of \$200 (\$100 per rule violation).

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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 the Commission Order, 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 upon receipt of the \$200 contribution or cancellation of the certificate. (K. Peña)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate.