

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECORDS AND REPORTING
AUG - 5 AM 10:11
PSC

DATE: AUGUST 5, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pin*
DIVISION OF LEGAL SERVICES (K. PEÑA) *KMP CB*

RE: DOCKET NO. 990809-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 5454 ISSUED TO JUSTUS COMMUNICATIONS, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990809.RCM

CASE BACKGROUND

- 10/07/97 - Justus Communications, Inc. obtained PATS Certificate No. 5454.
- 12/10/98 - The Division of Administration mailed the 1998 regulatory assessment fee (RAF) notice.
- 02/01/99 - Payment was due. The Division of Administration's records show that this company had not paid its 1998 RAF, plus statutory penalty and interest charges for 1998.
- 03/12/99 - The Division of Administration mailed a delinquent notice to the company.

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- **03/22/99** - The company responded to the delinquent letter and stated "This corporation ceased operations in 12/98."
- **05/20/99** - Staff wrote the company and explained that as long as regulatory assessment fees are outstanding, staff could not recommend a voluntary cancellation.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Justus Communications, Inc. a voluntary cancellation of PATS Certificate No. 5454?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's certificate on its own motion. (Isler)

STAFF ANALYSIS: After staff received a note from this company which advised that it had ceased operations, staff wrote the company on May 20, 1999, and advised that since the regulatory assessment fees and statutory penalty and interest charges were outstanding, staff could not recommend approval of a voluntary cancellation. The company returned staff's letter with the remarks "no funds" and "no assets."

Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30, or the next business day, 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.

As of July 27, 1999, the Division of Administration's records do not show payment of the past due amount. Accordingly, the Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's certificate on its own motion.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order. (K. Peña)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.