

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-

RECORDS AND REPORTING

SEP 21 AM 10:58

RECEIVED-PSC

**DATE:** SEPTEMBER 23, 1999

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

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

**RE:** DOCKET NO. 990672-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5751 ISSUED TO DPI-TELECONNECT, L.L.C. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

**AGENDA:** 10/05/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990672.RCM

### CASE BACKGROUND

- 12/05/98 - This company obtained Florida Public Service Commission ALEC Certificate No. 5751.
- 02/22/99 - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to April 8, 1999. Records show that this company had not paid its 1998 RAF.

DOCUMENT NUMBER-DATE

11313 SEP 21 99

PSC-RECORDS/REPORTING

DOCKET NO. 990672-1X  
DATE: SEPTEMBER 23, 1999

- **08/03/99** - By Order No. PSC-99-1482-PAA-TX, the company had 21 days to protest or pay a fine of \$500. In the event no response was timely filed, the certificate was to be canceled.
- **08/05/99** - Mr. David Pikoff, Vice President, called staff and advised he would pay the past due amount and make a settlement offer to resolve this case.
- **08/06/99** - The past due RAFs, including statutory penalty and interest charges were paid in full. The company also proposed to pay a settlement of \$100 and pay future fees on a timely basis.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by DPI-Teleconnect, L.L.C., to resolve the apparent violation 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 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. (Isler)

**STAFF ANALYSIS:** After Order No. PSC-99-1482-PAA-TX was issued, the company's Vice President, Mr. David Pikoff, called staff and advised that he would pay the past due amount and make a settlement offer. On August 6, the company paid the past due amount in full, including statutory penalty and interest charges, and offered a settlement in the amount of \$100.

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.

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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 \$100 contribution or cancellation of the certificate. (K. Peña; Bedell)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.