



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: DECEMBER 9, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (20)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *PIJ*
DIVISION OF LEGAL SERVICES (STERN) *MKS BIC*

RE: DOCKET NO. 991601-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5299 ISSUED TO VOX POPULI TELECOMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/21/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991601.RCM

RECEIVED-FPSC
99 DEC -9 AM 11:30
RECORDS AND REPORTING

CASE BACKGROUND

- **02/07/98** - This company was granted IXC Certificate No. 5299.
- **10/28/99** - Ms. Wilma Smith, called staff and advised the company wanted to keep its certificate active, requested a regulatory assessment fee (RAF) form, and would pay the outstanding balance. A RAF form was faxed to the company.
- **11/01/99** - The Commission received a fax from the company, which attached a copy of the 1998 RAF form, which was dated January 9, 1999, a copy of her check stub dated February 19, 1999 for the fee, and a note which advised that her records showed this was previously mailed, but apparently, the Commission had never received.

DOCUMENT NUMBER-DATE

15063 DEC-99

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- **11/09/99** - The Commission received a letter from the company, along with a check for all the past due statutory penalty and interest charges.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Vox Populi Telecommunications, Inc. 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 to pay regulatory assessment fees in a timely manner and follow up to insure that the fees were received. (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. Since January 30, 1999 fell on a weekend, the due date for the 1998 fees was February 1, 1999.

According to Commission records, this company had not submitted the regulatory assessment fee for 1998, along with statutory penalty and interest charges.

On November 9, 1999, the Commission received a letter from Ms. Smith, Vice President, which enclosed a copy of the company's 1998 regulatory assessment fee form, along with a copy of its check stub dated February 19, 1999. Ms. Smith stated that she is "respectfully asking that your Commission assess no monetary fine" since the return and form had been mailed to the Commission. Ms. Smith advised that she had taken precautionary measures to prevent this from happening in the future.

Due to the extenuating circumstances, staff believes that the company did attempt to comply with Commission rules by mailing the return and regulatory assessment fee on February 19, 1999. Although, the Commission did not receive the company's check and return, staff believes it would serve no purpose to fine the company. This recommendation is consistent with other Commission decisions under similar circumstances.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted.

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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. (Stern)

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