

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: JANUARY 20, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *mp*

RE: DOCKET NO. 991523-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5297 ISSUED TO JERRY LA QUIERE D/B/A LEC-LINK FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 02/01/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991523.RCM

CASE BACKGROUND

- 01/01/98 - This company obtained ALEC Certificate No. 5297.
- 12/10/98 - The Division of Administration mailed the regulatory assessment fee (RAF) notice.
- 02/01/99 - Payment was due.
- 03/17/99 - The Division of Administration mailed a delinquent notice to the company.
- 10/07/99 - The Commission received a letter from the company requesting voluntary cancellation of its certificate.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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- 10/14/99 - Staff wrote the company and explained that even though the company may have not generated any revenues, the minimum regulatory assessment fee was due and that staff could not recommend voluntary cancellation until the past due amount was paid in full.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Jerry La Quiere d/b/a LEC-Link a voluntary cancellation of ALEC Certificate No. 5297?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its ALEC certificate. The Commission should cancel the company's certificate on its own motion, effective on the date of issuance of the Consummating Order. (Isler)

STAFF ANALYSIS: On October 7, 1999, the Commission received a letter dated March 3, 1999 from Mr. La Quiere. The company advised that it had not sold any services or gained any revenues and requested voluntary cancellation of its ALEC Certificate No. 5297. Staff responded to the company's letter on October 14, 1999, and advised that we could not recommend approval of a voluntary cancellation when the RAF is past due. Staff provided information on how to resolve this issue.

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 January 13, 2000, the company has not paid the past due balance. 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, effective on the date of issuance of the Consummating Order.

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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; B. Keating)

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.