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: FEBRUARY 3, 2000

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

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

RE: DOCKET NO. 991449-TI – CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 2388 ISSUED TO OAN SERVICES OF FLORIDA, INC. D/B/A OPERATOR ASSISTANCE NETWORK FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 02/15/00 – REGULAR AGENDA – INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991449.RCM

CASE BACKGROUND

• **08/26/91** – This company obtained Florida Public Service Commission IXC Certificate No. 2388.

• **12/10/98** – 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 February 1, 1999.

• **03/17/99** – The Division of Administration mailed a delinquent letter.

- **11/29/99** - The Commission received the company's 1999 RAF payment and settlement proposal. The company reported no revenues for the period ending 12/31/98.

- **12/20/99** - Order No. PSC-99-2483-PAA-TI was issued, which imposed a $500 fine or canceled the company's certificate.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1:   Should the Commission accept the settlement offer proposed by OAN Services of Florida, Inc. d/b/a Operator Assistance Network 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 the recommendation was filed on November 18, 1999, but prior to the Order being issued, the company paid the past due amount in full, including statutory penalty and interest charges, and offered a settlement in the amount of $100 and proposed to pay future RAFs on a timely basis.

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.

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; B. Keating)

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.