

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 17, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *DKC*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *WJ/KC*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

DOCKET NO. 991770-TI - NEXSTAR COMMUNICATIONS, INC.
DOCKET NO. 991772-TI - NEW MILLENNIUM COMMUNICATIONS CORPORATION D/B/A CONQUEST NEW MILLENNIUM
DOCKET NO. 991774-TI - U.S. DIGITEL, INC.
DOCKET NO. 991825-TI - NOVA TELECOM INC.
DOCKET NO. 991828-TI - GNET TELECOM, INC.
DOCKET NO. 991829-TI - CABLE & WIRELESS GLOBAL CARD SERVICES, INC.
DOCKET NO. 991832-TI - PREFERRED VOICE, INC.
DOCKET NO. 991843-TI - UNIVERSAL COMMUNICATIONS GROUP, INC. D/B/A UNIVERSAL TELECOMMUNICATIONS GROUP, INC.
DOCKET NO. 991844-TI - A C S TEL COM INC.
DOCKET NO. 991853-TI - BUSINESS OPTIONS, INC.
DOCKET NO. 991863-TI - GLOBAL TELESYS CORPORATION
DOCKET NO. 991864-TI - ATLANTA-NEW YORK WAREHOUSE OUTLETS, INC. D/B/A DNP COMMUNICATIONS
DOCKET NO. ~~991867~~-TI - COMTEX CORPORATION
DOCKET NO. 991868-TI - LONG DISTANCE AMERICA, INC.
DOCKET NO. 991871-TI - PRIMECALL, INC.

AGENDA: 02/29/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991770.RCM

DOCUMENT NUMBER-DATE

02158 FEB 17 8

FPSC-RECORDS/REPORTING

DOCKET NOS. 991770-TI, 991772-TI, 991774-TI, 991825-TI, 991828-TI, 991829-TI, 991832-TI, 991843-TI, 991844-TI, 991853-TI, 991863-TI, 991864-TI, 991867-TI, 991868-TI, 991871-TI
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CASE BACKGROUND

Each of the certificated interexchange telecommunications' providers listed on page 5 were mailed the 1998 regulatory assessment fee (RAF) notice. When full payment had not been received by the due date, the Division of Administration mailed a delinquent letter to the companies. As of February 7, 2000, none of the companies have paid the past due amount.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel the interexchange telecommunications' certificates issued to each company listed on page 5 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the interexchange telecommunications certificate numbers listed on page 5 should be canceled administratively. (Isler)

STAFF ANALYSIS: Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of a interexchange telecommunications' company certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

DOCKET NOS. 991770-TI, 991772-TI, 991774-TI, 991825-TI, 991828-TI, 991829-TI, 991832-TI, 991843-TI, 991844-TI, 991853-TI, 991863-TI, 991864-TI, 991867-TI, 991868-TI, 991871-TI
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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.

The Division of Administration's records show that each of the interexchange telecommunications' providers listed on page 5 had not paid their 1998 regulatory assessment fees in full, plus statutory penalty and interest charges. Therefore, it appears the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and have not requested cancellation of their certificates in compliance with Rule 25-24.474, Florida Administrative Code.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with the Commission rules or cancel the companies' respective certificate numbers if the fine and the regulatory assessment fees, along with statutory penalty and interest charges, are not paid within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the interexchange telecommunications' certificate numbers listed on page 5 should be canceled administratively.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves or modifies staff's recommendation on Issue 1, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificates, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. If the Commission denies staff's recommendation on Issue 1, these dockets should be closed administratively. A protest in one docket should not prevent the action in a separate docket from becoming final. (K. Peña; B. Keating)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or modified, the result will be a proposed agency action order and these dockets should be closed upon receipt of the fine and fees or cancellation of the certificates unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action. If the Commission denies staff's recommendation on Issue 1, these dockets should be closed administratively. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>P and I</u>
991770-TI	Nexstar Communications, Inc. No Previous RAF form returned	5348	1998	1998
991772-TI	Conquest New Millennium No Previous RAF form returned	5614	1998	1998
991774-TI	U.S. Digital, Inc. No Previous RAF form returned	5628	1998	1998
991825-TI	NOVA Telecom Inc. No Previous RAF form returned	5644	1998	1998
991828-TI	GNet Telecom, Inc. No Previous RAF form returned	5666	1998	1998
991829-TI	Cable & Wireless Global Card Services No Previous RAF form returned	5683	1998	1998
991832-TI	Preferred Voice, Inc. No Previous RAF form returned	5697	1998	1998
991843-TI	Universal Telecommunications Group, Inc. No Previous RAF form returned	2968	1998	1998
991844-TI	A C S TEL COM Inc. No Previous RAF form returned	5704	1998	1998
991853-TI	Business Options, Inc. No Previous RAF form returned	5755	1998	1998
991863-TI	Global Telesys Corporation No Previous RAF form returned	5745	1998	1998
991864-TI	DNP Communications No Previous RAF form returned	5737	1998	1998
991867-TI	Comtex Corporation No Previous RAF form returned	5744	1998	1998
991868-TI	Long Distance America, Inc. No Previous RAF form returned	5759	1998	1998
991871-TI	PRIMECALL, Inc. No Previous RAF form returned	5747	1998	1998