

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:** MARCH 16, 2000

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

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

**RE:** DOCKET NO. 991511-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3192 ISSUED TO USLD ACQUISITION CORP. II D/B/A OMNI COMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 03/28/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991511.RCM

RECORDED AND REPORTING

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RECEIVED-PSC

CASE BACKGROUND

- **08/24/93** - This company obtained IXC Certificate No. 3192.
- **12/14/99** - Order No. PSC-99-2440-PAA-TI was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until January 4, 2000 to respond to the Order.
- **12/30/99** - Mr. Dave LeNard called staff and stated that he believed this certificate should have been previously canceled. He stated he would research the matter and respond.
- **01/03/00** - The Commission received a letter from the company requesting additional time to respond.

DOCUMENT NUMBER-DATE

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REC'D-RECORDS/REPORTING

- **01/04/00** - The Commission received a petition, which protested the Order and requested a hearing.
- **01/10/00** - The Commission received the past due amount in full, including the statutory penalty and interest charges.
- **01/31/00** - The Commission received the 1999 regulatory assessment fee. The company reported no revenues on its 1999 regulatory assessment fee return for the period ended December 31, 1999.
- **03/06/00** - The Commission received a letter from the company's attorney, Mr. Joseph McGlothlin, who requested voluntary cancellation of Omni Communications, Inc.'s certificate.

Therefore, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant USLD Acquisition Corp. II d/b/a Omni Communications, Inc. a voluntary cancellation of its Interexchange Telecommunications Certificate No. 3192?

**RECOMMENDATION:** Yes. The Commission should grant the company a voluntary cancellation of its interexchange telecommunications certificate with an effective date of March 6, 2000. (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.

After the Order was issued on December 14, 1999, the company contacted staff. The company subsequently paid the past due amount in full and requested voluntary cancellation of its certificate.

Accordingly, staff believes the company's request for a voluntary cancellation of its interexchange telecommunications certificate should be granted with an effective date of March 6, 2000.

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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, no other issues remain unresolved and this docket should be closed.