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DIVISION OF
TELECOMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

March 16, 2000

Mr. David Benamy
TotalTel USA Communications, Inc.
Overlook at Great Notch
150 Clove Road, 8th Floor
Little Falls, NJ 07424

RE: Docket No. 991880-TX

Dear Mr. Benamy:

This docket was opened because the 1998 regulatory assessment fee (RAF) had not been paid and because TotalTel has a \$6.00 penalty and interest past due balance for the 1997 RAF. Our records show that the 1999 RAF was paid on January 18, 2000, but that the 1998 and 1997 past due charges remain unpaid.

TotalTel has three options. If the company wishes to keep its certificate active, it should pay the past due amount in full and make a settlement offer (settlement information enclosed). If the company does not wish to keep its certificate active, it should pay the past due amount in full and write a letter to the Commission requesting voluntary cancellation of its certificate (rule enclosed). The final option would be to do nothing. In that case, I would recommend to the Commission that the company be fined or the certificate cancelled.

Please respond in writing by April 3, 2000 and let me know how you wish to proceed. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

Sincerely,

Paula J. Isler, Research Assistant
Bureau of Service Evaluation & Compliance

- AFA _____
- APP _____
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- RRR _____
- SEC _____
- WAW _____
- OTH _____

cc: Docket No. 991880-TX
Division of Legal Services (K. Peña)

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Settlement Proposals

If a company wishes to keep its certificate active, it needs to make a settlement offer to resolve the docket. In other cases dealing with this specific rule violation, the Commission has accepted a \$100 settlement in lieu of the \$500 fine normally imposed. The settlement letter needs to include the following:

- Docket number;
- Enclose a check for all past due amounts;
- Statement that it has taken steps to prevent future late payments of the regulatory assessment fees; and
- Make a specific monetary settlement.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time. It will become due after the Commissioners vote on this issue.

25-24.820 Revocation of a Certificate.

(1) The Commission may on its own motion, after notice and opportunity for hearing, revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

- (a) A statement of intent and date certain to pay regulatory assessment fee.
- (b) A statement of why the certificate is proposed to be canceled.
- (c) A statement as to how customer deposits and final bills will be handled.
- (d) Proof of individual customer notice regarding discontinuance of service.

Specific Authority 350.127(2) FS.

Law Implemented 364.335, 364.345 FS.

History—New 12-27-95.