



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** APRIL 6, 2000

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (126)

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

**RE:** DOCKET NO. 992010-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4753 ISSUED TO ELENOFONO, INC. D/B/A HELLENICOM LONG DISTANCE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 04/18/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\992010.RCM

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RECORDS AND REPORTING

### CASE BACKGROUND

- 12/11/96 - This company was granted IXC Certificate No. 4753.
- 02/01/99 - The Commission received the company's payment for the 1998 regulatory assessment fee (RAF). The company reported \$313.85 revenues for the period ended December 31, 1998.
- 10/05/99 - The Commission received a letter from the company requesting voluntary cancellation of its certificate.
- 10/07/99 - Staff wrote the company and explained that staff could not recommend voluntary cancellation until the past due amount was paid in full.

DOCUMENT NUMBER-DATE

04240 APR-68

FPSC-RECORDS/REPORTING

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant Elenofono, Inc. d/b/a Hellenicom Long Distance a voluntary cancellation of IXC Certificate No. 4753?

**RECOMMENDATION:** No. The Commission should not grant the company a voluntary cancellation of its IXC certificate. The Commission should cancel the company's Certificate No. 4753 on its own motion, effective on the date of issuance of the Consummating Order. (Isler)

**STAFF ANALYSIS:** On October 5, 1999, the Commission received a letter from the company which requested voluntary cancellation of its IXC Certificate. Staff responded to the company's letter on October 7, 1999, and advised that we could not recommend approval of a voluntary cancellation when there is an outstanding balance. Commission records showed the company had a past due balance for the penalty and interest charges on the 1997 RAF. In addition, the company did not state when the 1999 RAF, which became due January 31, 2000, would be paid.

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 March 29, 2000, the company has not paid the 1997 past due balance or the 1999 RAF. Accordingly, the Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 4753 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, if the Commission approves or modifies staff's recommendation on Issue 1, this docket should be closed upon receipt of the fine and fees or cancellation of the certificate, 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, this docket should be closed administratively. (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 this docket should be closed upon receipt of the fine and fees or cancellation of the certificate 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, this docket should be closed administratively.