



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECORDS AND REPORTING

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RECEIVED-FPSC

**DATE:** APRIL 6, 2000

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

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

**RE:** DOCKET NO. 992039-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4773 ISSUED TO EASY PHONE, INC. D/B/A EASY TEL, INC. 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\992039.RCM

### CASE BACKGROUND

- **02/18/97** - IXC Certificate No. 4773 was granted to Easy Cellular, Inc. in Docket No. 961138-TI.
- **01/30/98** - The Commission received the company's payment for the 1997 regulatory assessment fee (RAF). The company reported \$0 in revenues for the period ended December 31, 1997.
- **04/22/98** - Order No. PSC-97-1202A-FOF-TP was issued, which acknowledged a name change to Easy Cellular, Inc. d/b/a TelCom Plus in Docket No. 971183-TP.
- **12/10/98** - The 1998 regulatory assessment fee (RAF) notice was mailed. Payment was due by February 1, 1999.

DOCUMENT NUMBER-DATE

04244 APR-68

FPSC-RECORDS/REPORTING

DOCKET NO. 992039-11  
DATE: APRIL 6, 2000

- 03/17/99 - The Division of Administration mailed a delinquent letter to the company.
- 05/26/99 - Order No. PSC-99-1085-FOF-TP was issued, which acknowledged a name change to Easy Phone, Inc. d/b/a Easy Tel, Inc.
- 07/22/99 - The Commission received a letter from Ms. Lorinda C. Bucchieri, President, which requested cancellation of this certificate.
- 09/20/99 - Staff wrote the company and explained that a voluntary cancellation could not be granted when there are outstanding RAFs.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant Easy Phone, Inc. d/b/a Easy Tel, Inc. a voluntary cancellation of IXC Certificate No. 4773?

**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. 4773 on its own motion, effective on the date of issuance of the Consummating Order. (Isler)

**STAFF ANALYSIS:** On July 22, 1999, the Commission received a letter from the company's president, Ms. Lorinda C. Bucchieri, which requested cancellation of IXC Certificate No. 4773. Staff responded to the company's letter on September 20, 1999, and advised that we could not recommend approval of a voluntary cancellation when there is an outstanding balance. Commission records show that as of March 29, 2000, the 1998 and 1999 RAFs, plus accrued penalty and interest charges for both years, remain unpaid.

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.

Accordingly, the Commission should not grant the company a voluntary cancellation of Certificate No. 4773. The Commission should cancel the company's Certificate No. 4773 on its own motion, effective on the date of issuance of the Consummating Order.

DATE: APRIL 6, 2000

**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.