

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-

RECORDS AND REPORTING
APR 11 11
RECEIVED-FPSC

DATE: APRIL 6, 2000

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

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

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

DOCKET NO. 991879-TX - STRATEGIC TECHNOLOGIES, INC.
DOCKET NO. 991968-TX - AXSYS, INC. D/B/A AXSYS, INC./
TEL PTNS.
DOCKET NO. 991987-TX - NOW COMMUNICATIONS, INC.
DOCKET NO. 991990-TX - GNET TELECOM, INC.

AGENDA: 04/18/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991879.RCM

CASE BACKGROUND

The companies listed on page 4 were mailed the 1998 Regulatory Assessment Fee (RAF) Notice and payment was due by February 1, 1999. On March 17, 1999, the Division of Administration mailed a delinquent letter for the 1998 RAF.

After the dockets were opened, the companies listed on page 4 paid the past due amounts in full, including the 1999 RAFs, and offered to pay a \$100 settlement and proposed to pay future regulatory assessment fees on a timely basis.

DOCUMENT NUMBER-DATE

04267 APR-68

FPSC-RECORDS/REPORTING

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the companies' settlement proposals. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's certificate should be canceled administratively. (Isler)

STAFF ANALYSIS: After the docket was opened, each company listed on page 4 contacted staff and paid the 1998 RAFs, penalty and interest, and the 1999 RAF. In addition, each company listed on page 4 offered a settlement in the amount of \$100 and proposed to pay future RAFs on a timely basis.

Accordingly, staff believes the terms of the settlement agreements as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's certificate should be canceled administratively.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

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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>
991879-TX	Strategic Technologies, Inc. \$0 Revenues for Period Ended 12/31/99	4431	1998	1998
991968-TX	Axsys, Inc./Tel Ptns. \$0 Revenues for Period Ended 12/31/99	5480	1998	1998
991987-TX	NOW Communications, Inc. \$0 Revenues for Period Ended 12/31/99	5652	1998	1998
991990-TX	GNet Telecom, Inc. \$0 Revenues for Period Ended 12/31/99	5679	1998	1998