

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECORDS AND REPORTING

00 MAY - 4 AM 9:29

RECEIVED-FPSC

DATE: MAY 4, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *PK*
DIVISION OF LEGAL SERVICES (STERN) *HKS B/L* *W*

RE: DOCKET NO. 991566-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4864 ISSUED TO FACILICOM INTERNATIONAL, L.L.C. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 05/16/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991566.RCM

CASE BACKGROUND

- **05/13/97** - This company obtained Florida Public Service Commission IXC Certificate No. 4864.
- **12/10/98** - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to February 1, 1999.
- **03/17/99** - The Division of Administration mailed a delinquent letter.

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- **01/06/00** - Order No. PSC-00-0042-PAA-TI was issued. The company had until January 27 to protest the Order.
- **01/11/00** - Ms. Eileen Jordan called on behalf of FaciliCom and advised that the company would pay the past due amount and propose a settlement.
- **01/25/00** - The Commission received a check for the 1997 penalty and interest charge, the 1998 RAF, penalty, and interest charges, and a letter of settlement.
- **03/10/00** - Staff called Ms. Jordan and advised that the 1999 RAF must be paid prior to staff filing a recommendation to accept the company's settlement offer.
- **03/23/00** - The Commission received the company's payment for the 1999 RAF, penalty, and interest charge. The company reported no revenues for the period ended December 31, 1999.
- **04/13/00** - The Commission received a letter from the company's president, Mr. Walter J. Burmeister, requesting voluntary cancellation of its certificate.

Staff believes the following recommendations are appropriate.

DATE: MAY 4, 2000

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant FaciliCom International, L.L.C. a voluntary cancellation of IXC Certificate No. 4864?

RECOMMENDATION: Yes. The Commission should grant FaciliCom International, L.L.C. a voluntary cancellation of its Interexchange Telecommunications Certificate No. 4864 to be effective on April 13, 2000, the date the request for cancellation was received. (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.

The Division of Administration notified staff that FaciliCom had not submitted the 1998 regulatory assessment fee, along with statutory penalty and interest charges for the years 1997 and 1998. Therefore, the company had failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

After Order No. PSC-00-0042-PAA-TI was issued, which imposed a \$500 fine or canceled the company's certificate, the company contacted staff, paid the past due amount in full, including statutory penalty and interest charges, and requested voluntary cancellation of its certificate.

Accordingly, staff believes the Commission should grant FaciliCom International, L.L.C. a voluntary cancellation of its Interexchange Telecommunications Certificate No. 4864 to be effective on April 13, 2000, the date the request for cancellation was received.

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DATE: MAY 4, 2000

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.