

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-FPSC
MAY -4, AM 9:28
RECORDS AND REPORTING

DATE: MAY 4, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *PIG* *ED*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *KMP* *JK*

RE: DOCKET NO. 991832-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5697 ISSUED TO PREFERRED VOICE, INC. 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\991832.RCM

CASE BACKGROUND

- **09/22/98** - This company obtained Florida Public Service Commission IXC Certificate No. 5697.
- **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.

DOCUMENT NUMBER-DATE

05552 MAY-48

FPSC-RECORDS/REPORTING

- **03/10/00** - Order No. PSC-00-0523-PAA-TI was issued. The company had until March 31 to protest the Order.
- **03/20/00** - Mr. Ernest Gillespie called on behalf of Preferred Voice, Inc. and advised that the company had not provided service since 1997, would pay the past due amount and request voluntary cancellation of its certificate.
- **03/23/00** - The Commission received a check for the 1998 and 1999 RAFs, including statutory penalty and interest charges, and a letter requesting voluntary cancellation.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Preferred Voice, Inc. a voluntary cancellation of IXC Certificate No. 5697?

RECOMMENDATION: Yes. The Commission should grant Preferred Voice, Inc. a voluntary cancellation of its Interexchange Telecommunications Certificate No. 5697 to be effective on March 23, 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 Preferred Voice had not submitted the 1998 regulatory assessment fee, along with statutory penalty and interest charges. Therefore, the company had failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

After Order No. PSC-00-0523-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 Preferred Voice, Inc. a voluntary cancellation of its Interexchange Telecommunications Certificate No. 5697 to be effective on March 23, 2000, the date the request for cancellation was received.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.