

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING
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DATE: MAY 25, 2000

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

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

RE: DOCKET NO. 991553-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4784 ISSUED TO HEBRON COMMUNICATIONS CORPORATION FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.480(2)(A) AND (B), F.A.C., RECORDS & REPORTS; RULES INCORPORATED.

AGENDA: 06/06/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991553.RCM

CASE BACKGROUND

- **02/18/97** - This company obtained Florida Public Service Commission IXC Certificate No. 4784.
- **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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **03/17/99** - The Division of Administration mailed a delinquent letter.
- **01/10/00** - Order No. PSC-00-0074-PAA-TI was issued. The company had until January 31 to protest the Order.
- **01/19/00** - The Commission received a letter from the company's consultant, Technologies Management, Inc., which requested cancellation of its certificate and advised that it intended to pay any RAFs due.
- **01/31/00** - Staff faxed Technologies Management, Inc. a note and requested the 1998 and 1999 RAFs be paid by February 7.
- **03/13/00** - Staff called Technologies Management, Inc. and left a voice mail message requesting a return call.
- **03/23/00** - The Commission received a check for the minimum 1999 RAF; however, the company did not pay the statutory penalty and interest charges. The company reported no revenues on its 1999 return for the period ended December 31, 1999.
- **04/05/00** - Staff wrote Technologies Management, Inc. a certified letter and requested a response by April 20, 2000.
- **04/14/00** - The US Postal Service (USPS) returned the receipt which showed that staff's April 5 letter was signed for and delivered.
- **05/03/00** - Mr. Tom Forte of Technologies Management, Inc., called on behalf of Hebron Communications Corporation and advised that a check for the past due amount, plus the 2000 RAF would be mailed that same day.
- **05/04/00** - The Commission received a check for the 1998 RAF, including penalty and interest charges, the 1999 penalty and interest charge, and the 2000 RAF.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Hebron Communications Corporation a voluntary cancellation of IXC Certificate No. 4784?

RECOMMENDATION: Yes. The Commission should grant Hebron Communications Corporation a voluntary cancellation of its Interexchange Telecommunications Certificate No. 4784 to be effective on January 19, 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 the company had not submitted the 1998 and 1999 regulatory assessment fee, along with statutory penalty and interest charges for the years 1998 and 1999. Therefore, the company had failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

After Order No. PSC-00-0074-PAA-TI was issued, which imposed a \$500 fine or canceled the company's certificate, the company subsequently paid the past due amount in full, including statutory penalty and interest charges, and requested voluntary cancellation of its certificate. In addition, the company paid the 2000 RAF.

Accordingly, staff believes the Commission should grant Hebron Communications Corporation a voluntary cancellation of its Interexchange Telecommunications Certificate No. 4784 to be effective on January 19, 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.