

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: MAY 25, 2000

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

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

RE: DOCKET NO. 992001-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5742 ISSUED TO THE MOBILE PHONE COMPANY, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\992001.RCM

CASE BACKGROUND

- **12/05/98** - This company obtained Florida Public Service Commission ALEC Certificate No. 5742.
- **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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FPSC-RECORDS/REPORTING

DATE: MAY 25, 2000

- **03/06/00** - The Commission received a check for the 1999 RAF, penalty and interest charges. The company reported no revenues for the period ended December 31, 1998.
- **04/28/00** - Order No. PSC-00-0845-PAA-TX was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until May 19 to respond to the Order.
- **05/01/00** - Mr. Michael Kjaerulff called on behalf of the company and advised that it would pay the past due amount and propose a settlement.
- **05/08/00** - The Commission received a check for the 1998 RAF, penalty, and interest charges, and a settlement proposal.
- **05/11/00** - The Commission received an amended settlement proposal.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the modified settlement offer proposed by The Mobile Phone Company, Inc. 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 company's modified settlement proposal. 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 the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 5742 should be canceled administratively. (Isler)

STAFF ANALYSIS: After Order No. PSC-00-0845-PAA-TX was issued on April 28, Mr. Michael Kjaerulff called staff on May 1 and advised that he would pay the past due amount in full and make a settlement offer. The company has since paid the past due amount in full, including all penalty and interest charges; 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 modified settlement agreement 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 the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 5742 should be canceled administratively.

DOCKET NO. 992001-1X

DATE: MAY 25, 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 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, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.