

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING
[Handwritten initials]

DATE: JUNE 8, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *[Handwritten initials]*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *[Handwritten initials]*

RE: DOCKET NO. 991867-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5744 ISSUED TO COMTEX CORPORATION FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 06/20/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\991867.RCM

CASE BACKGROUND

- **12/05/98** - This company obtained Florida Public Service Commission IXC Certificate No. 5744.
- **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

- **12/08/99** - The Division of Administration mailed the 1999 RAF notice.
- **02/29/00** - The Division of Administration mailed a delinquent notice for the 1999 RAF.
- **03/09/00** - The Commission received a check for the 1999 RAF, including penalty and interest charges. The company reported no revenues for the period ended December 31, 1999.
- **03/10/00** - Order No. PSC-00-0522-PAA-TI was issued, which imposed a \$500 fine or canceled the company's certificate.
- **04/06/00** - Mr. Dan Ott called on behalf of Comtex Corporation and advised that he would pay the past due amount and propose a settlement.
- **05/15/00** - The Commission received a check for the 1998 RAF, including penalty and interest charges. In addition, the company proposed a settlement.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Comtex Corporation 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 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. 5744 should be canceled administratively. (Isler)

STAFF ANALYSIS: After Order No. PSC-00-0522-PAA-TI was issued on March 10, 2000, the company paid the past due charges for 1998, including statutory penalty and interest charges. The company also 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 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. 5744 should be canceled administratively.

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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 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.