

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: AUGUST 17, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Dij*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *WMP/bll*

RE: DOCKET NO. 992038-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALEC CERTIFICATE NO. 4769 ISSUED TO EASY PHONE, INC. D/B/A EASY TEL, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 08/29/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\992038.RCM

CASE BACKGROUND

- 01/08/97 - This company obtained Florida Public Service Commission ALEC Certificate No. 4769.
- 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

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FPSC-RECORDS/REPORTING

- **07/22/99** - The Commission received a letter from the company requesting cancellation of its certificate.
- **09/20/99** - Staff wrote the company and advised the outstanding RAF must be paid before a voluntary cancellation could be recommended.
- **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.
- **05/05/00** - Order No. PSC-00-0878-PAA-TX was issued, which cancelled the company's certificate on the Commission's own motion.
- **05/22/00** - The Commission received a letter from the company advising that it no longer wanted its certificate cancelled and would pay the past due amount in full.
- **07/24/00** - The Commission received a check for the 1998 and 1999 RAF, including penalty and interest charges. The company reported no revenues for the period ended December 31, 1999. 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 Easy Phone, Inc. d/b/a Easy Tel, 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 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. 4769 should be cancelled administratively. (Isler)

STAFF ANALYSIS: After Order No. PSC-00-0878-PAA-TX was issued on May 5, 2000, the company paid the past due charges for 1998 and 1999, 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. 4769 should be cancelled 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.