

001264-71
(2)

STATE OF FLORIDA

Commissioners:
J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

December 6, 2000

Via Facsimile

Ms. Kelli Muhammad
Telecom Compliance Services
6455 E. Johns Crossing, Suite 285
Duluth, GA 30097

Dear Ms. Muhammad:

This is a follow up to our telephone conversation concerning several dockets. The regulatory assessment fee (RAF) is due each year by January 30 for the previous year, unless the 30th falls on a weekend, then the due date is the next working day. For example, the 1999 fee was due January 31, 2000.

Commission records show that as of this date, the 1999 RAF has not been paid for the companies listed below. Please complete and return the 1999 RAF returns, along with a check for the past due amount in full. The RAF is .0015% of the total Florida gross revenues, or \$50.00, whichever is greater. However, if the companies owe only the minimum amount and if the payments are postmarked by December 26, 2000, the 1999 total is \$68.00 (\$50.00 fee, \$12.50 penalty, and \$5.50 interest). If the payments are postmarked between December 27, 2000 and January 25, 2001, the interest increases to \$6.00, or a total minimum amount of \$68.50.

Docket No. 001294-TI

The 1999 RAF return is attached. The company owes the 1999 RAF, plus statutory penalty and interest charges. In addition, our records show that Interactive Media Technologies, Inc. has an outstanding balance of \$6.00 (\$5.00 penalty and \$1.00 interest) for the 1998 RAF, which was paid late. At the December 5 Agenda Conference, the Commissioners voted to impose a \$500 fine. Since you told me that the company wishes to keep its certificate active, it should propose a settlement after the Order is issued. The Order is scheduled to be issued by December 26, 2000.

- APP _____
- CAF _____
- OMP _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
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DOCUMENT NUMBER - DATE
15739 DEC-78
FPSC-RECORDS/REPORTING

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Docket No. 001362-TI

The 1999 RAF return is attached. The company owes the 1999 RAF, plus statutory penalty and interest charges. It is staff's intention to recommend a fine of \$500 for this rule violation.

Docket No. 001455-TX

This is the second docket established for nonpayment of the RAFs for DPI-Teleconnect, L.L.C. On September 26, 2000, Jene Coleman of Tax Partners, LLC, faxed a copy of the RAF form for DPI showing no revenues for 1999. However, there was not a copy of a check for the minimum amount. I called Ms. Coleman's telephone number on October 5 and left a voice mail message for a return call, but have not heard back from her. This company owes the 1999 RAF, plus statutory penalty and interest charges. Since this is the second docket for the same rule violation, it is staff's intention to recommend a fine of \$1,000.

Docket No. 001467-TX

HJN Telecom, Inc. owes the 1999 RAF, plus statutory penalty and interest charges. It is staff's intention to recommend a fine of \$500 for this rule violation.

Docket No. 001266-TI

International Telcom, Ltd. owes the 1999 RAF, plus statutory penalty and interest charges. At your request, on September 20, I faxed you the 1999 RAF form and a letter explaining how to resolve this docket. I have not received a response as of this date. It is staff's intention to recommend a fine of \$500 for this rule violation.

Docket No. 001414-TX

International Telcom, Ltd. owes the 1999 RAF, plus statutory penalty and interest charges. In addition, the company has an outstanding balance of \$19.00 (\$12.50 penalty and \$6.50 interest) for the 1997 RAF, which was paid late. On November 9, Ms. Sandra Adix, Corporate Counsel, called staff and requested that I fax her the 1999 RAF form and a letter explaining the company's options. This was done on the same date. On November 10, I received a voice mail message from Ms. Adix. I called her back on November 11 and left a voice mail message, but have not heard back from her. As information, since this is the second docket for the same rule violation, it is staff's intention to recommend a fine of \$1,000.

Docket No. 001264-TI

Telscape USA, Inc. owes the 1999 RAF, plus statutory penalty and interest charges. At your request, on September 20 I faxed you the 1999 RAF form and a letter explaining how to resolve this docket. I have not received a response as of this date. It is staff's intention to recommend a fine of \$500 for this rule violation.

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You advised that you represent all of the above companies. Therefore, any of the three options listed below may be used to resolve these dockets.

- (1) Cancel the certificate voluntarily - Pay all past due charges in full, pay the current year's RAF or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate), and write a letter requesting cancellation. A copy of our rules for Interexchange Carriers and Alternative Local Exchange Companies are attached.
- (2) Do nothing - In this case, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection.
- (3) Propose a settlement - There is normally a \$500 fine imposed for a first-time rule violation and \$1,000 fine for the second violation. It should be noted that just paying the past due amount will not prevent the companies' certificates from being cancelled. You need to write the Commission a settlement letter that must include the following:
 - Docket number;
 - A check for the past due amount in full;
 - A statement that it has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are; and
 - Make a specific monetary settlement.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should not be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.

Please let me know what your decisions are by December 21, 2000. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

Ms. Kelli Muhammad
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Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Evaluation & Compliance

Enclosures

cc: Docket Nos. 001294-TI, 001362-TI, 001455-TX, 001467-TX, 001266-TI, 001414-TX,
001264-TI
Division of Legal Services (Van Leuven, Elliott, K. Peña, Dandelake, Walker, Isaac, Cibula)