



Public Service Commission

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RECORDS AND REPORTING

DATE: JANUARY 4, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *mp*
DIVISION OF LEGAL SERVICES (K. PEÑA) *mp*

RE: DOCKET NO. 001254-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4687 ISSUED TO CTN TELEPHONE NETWORK, INC. 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: 01/16/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001254.RCM

CASE BACKGROUND

- **08/29/96** - CTN Telephone Network, Inc. obtained Interexchange Telecommunications (IXC) Certificate No. 4687.
- **12/08/99** - The Division of Administration mailed the regulatory assessment fee (RAF) notice. Payment was due January 31, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice to the company.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **06/20/00** - The US Postal Service (USPS) returned mail addressed to this company stamped "undeliverable as addressed."
- **10/26/00** - Staff wrote the company a letter and explained that a docket had been opened for nonpayment of the 1999 RAF. The letter was subsequently returned by the USPS stamped "attempted, not known."
- **11/07/00** - The Commission received a letter from the company's attorney, The Helein Law Group, P.C., which advised that the company was no longer doing business in Florida and requested cancellation of its certificate.
- **11/20/00** - Staff wrote the attorney and advised that before we could recommend a voluntary cancellation, the company needed to pay the 1999 RAF, plus penalty and interest charges for 1998 and 1999, and advise when the 2000 fee would be paid.
- **12/28/00** - As of this date, the company has not paid the past due amount.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant CTN Telephone Network, Inc. a voluntary cancellation of Certificate No. 4687?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 4687 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30, or the next business day, 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.

After the docket was established, the Commission received a letter from The Helein Law Group, which stated that CTN Telephone Network, Inc. is no longer doing business in Florida or any other state and has no customers. Staff wrote the company on November 20, 2000 and explained that a voluntary cancellation could not be recommended when there was an outstanding balance.

In addition, mail addressed to the company was returned by the USPS. Staff attempted to obtain updated information, but was unsuccessful. As of December 28, 2000, the company has not paid the 1999 RAF, including the 1998 and 1999 statutory penalty and interest charges, or advised when the 2000 fee would be paid.

Accordingly, the Commission should not grant the company a voluntary cancellation of its IXC certificate. The Commission should cancel the company's Certificate No. 4687 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order. The docket should then be closed upon issuance of the Consummating Order. (K. Peña)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.