



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

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REPORTING AND

**DATE:** JANUARY 4, 2001

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Pik*  
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE*

**RE:** DOCKET NO. 001495-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7254 ISSUED TO MIRACLE COMMUNICATIONS FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES AND 25-24.835, F.A.C., RULES INCORPORATED.

**AGENDA:** 01/16/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\001495.RCM

### CASE BACKGROUND

- **12/02/99** - This company obtained Florida Public Service Commission Alternative Local Exchange Telecommunications Certificate No. 7254.
- **01/14/00** - The Division of Administration mailed the 1999 RAF notice. The due date was February 28, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **08/02/00** - The US Postal Service (USPS) returned mail addressed to this company stamped "box closed; unable to forward."

DOCUMENT NUMBER-DATE

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- **11/22/00** - The Commission received the company's payment for the outstanding amount, including statutory penalty and interest charges. The company reported no revenues for the period ended December 31, 1999. In addition, the company proposed a settlement and provided the Commission with its updated reporting requirements.

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 accept the settlement offer proposed by Miracle Communications to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and 25-24.835, Florida Administrative Code, Rules Incorporated?

**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, Certificate No. 7254 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After this docket was opened, but prior to staff filing a recommendation, the Commission received the company's payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, and a letter from the company which offered to pay a \$200 contribution. The company also provided its correct address and proposed to pay future RAFs on a timely basis. In addition, the company included a waiver of objection to the administrative cancellation of its certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. This settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

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, Certificate No. 7254 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 \$200 contribution or cancellation of the certificate. (Elliott)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate.