



# 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 25, 2001

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *PI*  
DIVISION OF LEGAL SERVICES (BANKS) *FRB* *AD* *JV*

**RE:** DOCKET NO. 001406-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4779 ISSUED TO GE CAPITAL COMMUNICATION SERVICES CORPORATION D/B/A GE EXCHANGE D/B/A GE RESIDENTIAL COMMUNICATIONS D/B/A GE COMMERCIAL SHOPPING NETWORK AND D/B/A GE CAPITAL COMMERCIAL DIRECT FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES, TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 02/06/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\001406.RCM

### CASE BACKGROUND

- 01/29/97 - This company obtained Certificate No. 4779.
- 12/08/99 - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 01/31/00.
- 02/29/00 - The Division of Administration mailed the Delinquent Notice.
- 10/27/00 - Staff wrote the company and explained that a docket had been established for nonpayment of the 1999 RAF and to contact staff for its options.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **11/07/00** - Ms. Linda Lahue called on behalf of the company and requested that the company's options be faxed to her. This was done on the same date.
- **11/30/00** - The Commission received the company's 1999 RAF return and check for the past due amount in full. In addition, the company requested voluntary cancellation of its certificate.
- **12/07/00** - Staff wrote the company and advised that before a voluntary cancellation could be recommended, the company must either pay the 2000 RAF or provide a date certain it would be paid.
- **12/13/00** - The Commission received a letter from the company advising that the 2000 RAF would be paid by the due date of January 30, 2001.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant GE Capital Communication Services Corporation d/b/a GE EXCHANGE d/b/a GE Residential Communications d/b/a GE Commercial Shopping Network and d/b/a GE Capital Commercial Direct a voluntary cancellation of its Certificate No. 4779?

**RECOMMENDATION:** Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 4779 with an effective date of November 30, 2000. (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 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 opened, but prior to staff filing a recommendation, the company paid the past due amount, including statutory penalty and interest charges, and advised that the 2000 RAF would be paid by the due date of January 30, 2001. In addition, the company requested voluntary cancellation of its certificate as required by Rule 25-24.474, Florida Administrative Code.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 4779 should be granted with an effective date of November 30, 2000.

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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. (Banks)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.