



Public Service Commission

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DATE: JANUARY 25, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PIV*
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAC*

RE: DOCKET NO. 001341-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7137 ISSUED TO CABLE & WIRELESS GLOBAL MARKETS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 02/06/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001341.RCM

CASE BACKGROUND

- **08/30/99** - This company obtained Certificate No. 7137.
- **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.
- **08/03/00** - The Commission received a letter from the company's attorney requesting cancellation of its certificate.
- **08/07/00** - Staff wrote the company's attorney and advised that before we could recommend a voluntary cancellation, it needed

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to pay the 1999 RAF, including penalty and interest charges, and advise when the 2000 fee would be paid.

- **08/23/00** - Ms. Demara Richardson called staff and requested that the 1999 and 2000 RAF forms be faxed to her. This was done on August 24, 2000.
- **09/01/00** - The Division of Administration provided staff with a copy of the company's 1999 RAF return showing no revenues for the period ended December 31, 1999. The company did not send a payment with the RAF return.
- **09/13/00** - Ms. Richardson called staff and stated that she has a check made out to the Commission for \$50. Staff explained that if the company wants a voluntary cancellation, the company must pay not only the 1999 RAF, but the penalty and interest charges, and advise when the 2000 RAF will be paid.
- **10/17/00** - The Commission received a check for \$50.00 from the company. It was applied to the 1999 RAF, leaving the statutory penalty and interest charges. The company did not advise when the 2000 fee would be paid.
- **01/17/01** - As of this date, the company has not paid the past due amount or advised when the 2000 fee would be paid.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Cable & Wireless Global Markets, Inc. a voluntary cancellation of Certificate No. 7137?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7137 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 Commission received a letter from the company's attorney, which requested voluntary cancellation, staff wrote the company on August 7, 2000. Staff explained that a voluntary cancellation could not be recommended when there was an outstanding balance.

Staff has had several conversations with Ms. Demara Richardson. Although the company has paid the minimum RAF for 1999, the company still owes penalty and interest charges for 1999 and has not provided a date certain the 2000 fee would be paid as required by Rule 25-24.474, Florida Administrative Code. As of January 17, 2001, the company has not paid the 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. 7137 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.

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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 receipt of the fees or cancellation of the certificate. (Elliott)

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 and upon receipt of the fees or cancellation of the certificate.