



Public Service Commission

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RECORDS AND REPORTING

DATE: FEBRUARY 22, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *AK*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *AK*

RE: DOCKET NO. 001357-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7159 ISSUED TO COMTEL NETWORK LLC FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/06/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001357.RCM

CASE BACKGROUND

- 10/15/99 - This company obtained Florida Public Service Commission Certificate No. 7159.
- 12/08/99 - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) notice. The due date was January 31, 2000.
- 02/29/00 - The Division of Administration mailed a delinquent notice.
- 09/11/00 - This docket, No. 001357-TI, was established for nonpayment of the 1999 RAF.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS, REPORTING

- **12/12/00** - Ms. Sheree West called on behalf of Comtel Network LLC and requested information about this docket. Staff was advised that the company would pay the outstanding balance and make a settlement offer.
- **12/15/00** - Staff faxed the company its options and the 1999 RAF return.
- **12/18/00** - The Commission approved staff's recommendation to impose a fine upon the company or cancel its certificate for failure to pay its RAF.
- **12/20/00** - The Commission received the company's check for the outstanding amount, including statutory penalty and interest charges. The company reported revenues in the amount of \$25,000 for the period ended December 31, 1999.
- **01/02/01** - Order No. PSC-01-0002-PAA-TI was issued, which imposed a \$500 fine or cancelled the company's certificate. The company had until January 23, 2001 to respond to the Order.
- **01/17/01** - The Commission received the company's response to the Proposed Agency Action Order and a copy of the company's request for an extension on the 2000 RAF return until March 1, 2001.

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 accept the settlement offer proposed by Comtel Network LLC to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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. 7159 should be canceled administratively. (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 staff filed the recommendation to impose a fine, the company contacted staff and advised that it wished to keep its certificate active. The Commission subsequently 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 \$150 contribution. In addition, the company proposed to pay future RAFs on a timely basis. 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. 7159 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 \$150 contribution or cancellation of the certificate. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$150 contribution or cancellation of the certificate.