



Public Service Commission

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

RECORDED AND REPORTING
FEB 22 AM 11:40
PSC

DATE: FEBRUARY 22, 2001

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

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

RE: DOCKET NO. 001480-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7236 ISSUED TO SANDSTREAM COMMUNICATIONS & ENTERTAINMENT, INC. 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\001480.RCM

CASE BACKGROUND

- **12/02/99** - This company obtained Florida Public Service Commission Certificate No. 7236.
- **01/14/00** - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due by February 28, 2000.
- **02/29/00** - The Division of Administration mailed the Delinquent Notice.
- **10/30/00** - 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

- **11/10/00** - Staff received an e-mail from Mr. Tim Biggio, General Counsel. Mr. Biggio advised that the company is a new company in the Texas area and does not plan to expand its operations into Florida any time in the near future. He requested that the company's options be sent to him.
- **11/13/00** - Staff faxed the company a letter outlining its options, along with the 1999 and 2000 RAF returns.
- **12/12/00** - The Division of Administration mailed the 2000 RAF notice. Payment was due by January 30, 2001.
- **12/15/00** - Staff wrote the company and asked that the company advise staff how it wished to proceed.
- **01/03/01** - The Commission received the company's payment for the 1999 RAF, including statutory penalty and interest charges, payment for the 2000 RAF, and a letter requesting cancellation of its certificate.

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 SandStream Communications & Entertainment, Inc. a voluntary cancellation of its Certificate No. 7236?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 7236 with an effective date of December 31, 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.

Prior to staff filing a recommendation, the company paid the 1999 RAF, including statutory penalty and interest charges, and the 2000 RAF. In addition, the company requested voluntary cancellation of its certificate as required by Rule 25-24.820, Florida Administrative Code.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 7236 should be granted with an effective date of December 31, 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. (K. Peña; B. Keating)

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