



Public Service Commission

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RECORDS AND REPORTING

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RECEIVED FPSC

DATE: MARCH 1, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PAI*
DIVISION OF LEGAL SERVICES (BANKS) *FRB*

RE: DOCKET NO. 001253-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4457 ISSUED TO WORLDTTEL INTERACTIVE INCORPORATED FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/13/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001253.RCM

CASE BACKGROUND

- 06/14/96 - This company obtained Florida Public Service Commission Certificate No. 4457.
- 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.
- 08/29/00 - This docket, No. 001253-TI, was established for nonpayment of the 1999 RAF, including penalty and interest charges.

DOCUMENT NUMBER-DATE

02751 MAR-16

FPSC-RECORDS/REPORTING

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- **09/20/00** - Ms. Joyce Chow called on behalf of WORLDtel Interactive Incorporated and requested information about this docket. Staff was asked to fax the 1999 RAF return and the company's options to the company. This was completed the next day, September 21, 2000.
- **11/29/00** - The Commission received the company's check for the outstanding amount, including statutory penalty and interest charges. In addition, the company proposed a settlement.
- **12/12/00** - The Division of Administration mailed the 2000 RAF return. Payment was due by January 30, 2001.
- **12/29/00** - Staff contacted Ms. Chow and explained that the company's settlement proposal needed amending to include a waiver of objection statement.
- **01/17/01** - The Commission received the company's amended settlement proposal.
- **02/14/01** - The Commission received the company's check for the 2000 RAF, including penalty and interest charges. The company reported no revenues for the period ended December 31, 2000.

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 WORLDtel Interactive Incorporated 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. 4457 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 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 \$100 contribution and proposed to pay future RAFs on a timely basis. The company subsequently modified its settlement proposal, which included a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. In addition, the company paid the 2000 RAF, including statutory penalty and interest charges. The recommended 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

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364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4457 should be canceled administratively.

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 \$100 contribution or cancellation of the certificate. (Banks)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.