State of Florida

Public Service Commission

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

DATE: MARCH 22, 2001

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

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

RE: DOCKET NO. 001493-TX - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATE NO. 7238 ISSUED TO ADVANCED
DIGITAL INFORMATION SYSTEMS, INC. FOR VIOLATION OF RULE
25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

AGENDA: 04/03/01 - REGULAR AGENDA -   INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001493.RCM

CASE BACKGROUND

- **12/02/99** - This company obtained Florida Public Service
Commission Certificate No. 7238.

- **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.

- **10/23/00** - Mr. Don Killen called staff on behalf of Advanced
Digital Information Systems, Inc. and asked that the 1999 RAF
return and the company's options be faxed to him. This
information was faxed the next day, October 24, 2000.

- **11/06/00** - The Commission received the company's 1999 RAF return, along with its check for the past due amount, including penalty and interest charges. The company reported no revenues for the period ended December 31, 1999.

- **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 a letter and explained that just paying the past due amount was not sufficient and that it either needed to request cancellation of its certificate or propose a settlement to keep its certificate active.

- **12/29/00** - The Commission received a letter from the company requesting cancellation of its certificate and stating that it intended to pay the 2000 RAF.

- **02/05/01** - The Commission received the company's payment for the 2000 RAF, including statutory penalty and interest charges. The company reported no revenues on its RAF return 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 grant Advanced Digital Information Systems, Inc. a voluntary cancellation of its Certificate No. 7238?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 7238 with an effective date of December 29, 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 and 2000 RAFs, including statutory penalty and interest charges for both years. 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. 7238 should be granted with an effective date of December 29, 2000.

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.