



Public Service Commission

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DATE: MARCH 22, 2001

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

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

RE: DOCKET NO. 001207-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 2494 ISSUED TO GROUP LONG DISTANCE, 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\001207.RCM

CASE BACKGROUND

- **02/12/92** - This company obtained Florida Public Service Commission Certificate No. 2494.
- **12/08/99** - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) notice. Payment was due January 31, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **09/05/00** - Ms. Kelli Muhammad called staff on behalf of Telecom Compliance Services (TCS), Group Long Distance, Inc.'s consultant. Ms. Muhammad advised that the company wanted to resolve this docket. Between September 5, 2000 and January 5,

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FPSC-RECORDS REPORTING

2001, staff had numerous conversations with Ms. Muhammad concerning Group Long Distance, Inc.'s certificate and RAF payment.

- **12/12/00** - The Division of Administration mailed the 2000 RAF notice. Payment was due by January 30, 2001.
- **01/22/01** - The Commission received a letter from the company's consultant explaining that the consultant had used the same company code on Group Long Distance, Inc.'s interexchange carrier (IXC) and alternative local exchange carrier (ALEC) RAF returns. Although TCS used the correct RAF forms for the two certificates, since the ALEC company code was used for both payments, the payments were credited to the ALEC certificate. TCS stated it meant to report revenues in the amount of \$156,559.69 on its IXC certificate and no revenues on its ALEC 1999 RAF returns for the period ended December 31, 1999, which were paid on January 13, 2000 and January 21, 2000, respectively. TCS requested that the payments be transferred to the proper certificates for the 1999 RAF. In addition, the company proposed a settlement.
- **02/21/01** - The Division of Administration mailed a delinquent notice for the 2000 RAF.
- **03/01/01** - The Commission received the company's 2000 RAF return. The company reported revenues in the amount of \$35,371.02 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 Group Long Distance, Inc. 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 to pay future regulatory assessment fees using the RAF forms provided by the Commission. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, 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.

According to Commission records, the company had not submitted the regulatory assessment fee for 1999, along with statutory penalty and interest charges, therefore, staff established this docket. After the docket was opened, the company contacted staff and advised that payment had been made. However, apparently TCS, the company's consultant, uses its own RAF returns for its clients. When completing Group Long Distance, Inc.'s RAF return for its IXC and ALEC certificates, TCS typed the ALEC company code for both returns. The Division of Administration posts the payments using the company code on the RAF returns. Therefore, both payments for the 1999 RAF had been posted to the ALEC certificate.

On January 22, 2001, the Commission received a letter from TCS explaining what had occurred and stated that it had taken steps to prevent this from happening in the future by using the returns provided by the Commission. Since payment had been made, TCS requested that no monetary penalty be assessed due to the extenuating circumstances. Staff concurs that no monetary penalty be assessed at this time since payment had been received, but credited to another account.

Accordingly, staff believes the Commission should accept the company's settlement proposal to pay future regulatory assessment fees using the RAF forms provided by the Commission.

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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, this docket should be closed.