



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: APRIL 19, 2001

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

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

RE: DOCKET NO. 001294-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 5502 ISSUED TO INTERACTIVE MEDIA TECHNOLOGIES, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/01/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001294.RCM

CASE BACKGROUND

- 01/01/98 - This company obtained Florida Public Service Commission Certificate No. 5502.
- 12/08/99 - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) return notice. Payment was due January 31, 2000.
- 02/29/00 - The Division of Administration mailed the delinquent notice for nonpayment of the 1999 RAF.
- 10/26/00 - Staff wrote the company and advised a docket had been established and to contact staff if it wished to keep its certificate active.

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

- 12/05/00 - The Commissioners voted to impose a \$500 fine or cancel the company's certificate at the December 5, 2000 Agenda Conference.
- 12/06/00 - Ms. Kelli Muhammad, representative of Telecom Compliance Services, consultant to Interactive Media Technologies, Inc., contacted staff and requested the 1999 RAF form and the company's options be faxed to her. This information was faxed the same date.
- 12/11/00 - The Commission received the 1999 RAF return, along with payment of the past due amount in full. In addition, the consultant proposed a settlement.
- 12/12/00 - The Division of Administration mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- 12/26/00 - Order No. PSC-00-2493-PAA-TI was issued, which imposed a \$500 fine.
- 02/15/01 - Staff e-mailed Ms. Muhammad and advised that staff could not recommend acceptance of the settlement offer as long as the 2000 RAF remained unpaid.
- 02/19/01 - The Commission received payment of the 2000 RAF, along with penalty and interest charges.

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 Interactive Media Technologies, 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. 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. 5502 should be cancelled 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 the Commission voted on this docket at the December 5, 2000 Agenda Conference, but prior to Order No. PSC-00-2493-PAA-TI being issued on December 26, 2000, the Commission received from the company's consultant, payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, and a letter which offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. The company's consultant subsequently 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 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 5502 should be cancelled 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 \$100 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 \$100 contribution or cancellation of the certificate.