



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) *IS*
DIVISION OF LEGAL SERVICES (ELLIOTT) *AK*

RE: DOCKET NO. 010286-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7371 ISSUED TO CONSUMER CREDIT ASSISTANCE, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/01/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010286.RCM

APR 16 PM 2:37
 DIVISION OF RECORDS AND REPORTING
 PSC

CASE BACKGROUND

- 03/29/00 - This company obtained Florida Public Service Commission Certificate No. 7371.
- 12/12/00 - The Division of Administration mailed the Regulatory Assessment Fee (RAF) return notice. Payment was due January 30, 2001.
- 01/02/01 - The Commission received the company's 2000 RAF return notice. The company reported no revenues for the period ended December 31, 2000. The company's RAF return had a handwritten note advising it was no longer active and not in business. The notice did not include payment of the 2000 RAF.

DOCUMENT NUMBER-DATE

04650 APR 16 2001

PSC-RECORDS/REPORTING

DOCKET NO. 010286-TX
DATE: APRIL 19, 2001

- **01/17/01** - Staff wrote the company and advised that before staff could recommend acceptance of a voluntary cancellation, the 2000 RAF would have to be paid.
- **02/20/01** - The Division of Administration mailed a delinquent notice to the company.
- **04/10/01** - As of this date, the company has not paid the past due amount or advised when the 2000 fee would be paid.

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 Consumer Credit Assistance, Inc. a voluntary cancellation of Certificate No. 7371?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7371 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. (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, or the next business day, 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.

On January 2, 2001, the Commission received the company's 2000 RAF return notice, along with a handwritten notice advising "no longer active" and "not in business". The RAF return did not include payment of the 2000 RAF. On January 17, 2001, staff wrote the company's president, Mr. Steven Hoffman, and advised that a voluntary cancellation could not be recommended when there was an outstanding balance.

According to Commission records, although Consumer Credit Assistance, Inc. requested cancellation of its certificate, the company has not paid the 2000 RAF, plus penalty and interest charges as of April 10, 2001, as required by Rule 25-24.820, Florida Administrative Code. Accordingly, the Commission should not grant the company a voluntary cancellation of its ALEC certificate. The Commission should cancel the company's Certificate No. 7371 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

DOCKET NO. 010286-TX
DATE: APRIL 19, 2001

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. The docket should then be closed upon receipt of the fees or cancellation of the certificate. (Elliott)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of a Consummating Order and upon receipt of the fees or cancellation of the certificate.