



# Public Service Commission

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

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REGISTRY AND REPORTING

**DATE:** APRIL 19, 2001

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *PK*  
DIVISION OF LEGAL SERVICES (ISAAC) *RNS BK*

**RE:** DOCKET NO. 001414-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5531 ISSUED TO INTERNATIONAL TELCOM, LTD. 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\001414.RCM

### CASE BACKGROUND

- 12/17/97 - This company obtained Florida Public Service Commission Certificate No. 5531.
- 12/28/98 - Docket No. 981980-TX was established for nonpayment of the 1997 Regulatory Assessment Fee (RAF). On April 21, 1999, Order No. PSC-99-0806-AS-TX was issued, which accepted the company's \$100 settlement offer. The company paid the settlement amount and the docket was closed.
- 12/08/99 - The Division of Administration mailed the 1999 RAF notice. The due date was January 31, 2000.

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FPSC-RECORDS/REPORTING

- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **10/27/00** - Staff wrote the company and advised that this docket had been established for nonpayment of the 1999 RAF and to contact staff if it was interested in resolving this docket.
- **11/09/00** - Ms. Sandra Adix, Corporate Counsel, called staff and requested the 1999 RAF return notice and the company's options be faxed. This information was faxed to Ms. Adix the same date.
- **12/06/00** - Ms. Kelli Muhammad, Telecom Compliance Services, consultant to International Telcom, Ltd., called staff and asked for the status of this docket. Staff faxed the company a letter the same date.
- **12/12/00** - The Division of Administration mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- **01/24/01** - The Commission received a check for the outstanding amount, including statutory penalty and interest charges. In addition, the company's consultant proposed a settlement.
- **01/25/01** - Staff e-mailed Ms. Muhammad and advised that staff could not recommend acceptance of the settlement offer without payment of the 2000 RAF and the proposed settlement amount needed to be increased to an amount consistent with prior Commission decisions.
- **01/29/01** - The Commission received the company's modified proposed settlement.
- **02/19/01** - The Commission received the company's 2000 RAF payment, 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 International Telecom, Ltd. 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. 5531 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 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 \$500 contribution and proposed to pay future RAFs on a timely basis. In addition, the company included a waiver of objection to the administrative cancellation of its certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. This settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

This is the second docket established for the same apparent rule violation. In Docket No. 981980-TX, the company paid the past due amount and proposed a settlement. On April 21, 1999, Order No. PSC-99-0806-AS-TX was issued, which accepted the company's settlement proposal. The company paid the \$100 contribution and the docket was closed.

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

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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. 5531 should be cancelled 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 \$500 contribution or cancellation of the certificate. (Isaac)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$500 contribution or cancellation of the certificate.