



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-

RECEIVED-PPSC
01 APR 17 PM 2:17
REPORTING AND
KMP

DATE: APRIL 19, 2001

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

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

RE: DOCKET NO. 010287-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7516 ISSUED TO INTRACO SYSTEMS, 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\010287.RCM

CASE BACKGROUND

- 08/28/00 - This company obtained Florida Public Service Commission Certificate No. 7516.
- 12/12/00 - The 2000 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due by January 30, 2001.
- 12/26/00 - The Commission received a letter from the company advising it was not a telecommunications company and returned the 2000 RAF return notice without payment.
- 01/17/01 - Staff wrote the company and advised that staff could not recommend a voluntary cancellation of its certificate unless the 2000 RAF was paid.

DOCUMENT NUMBER-DATE

04692 APR 17 01

PPSC-RECORDS/REPORTING

DOCKET NO. 010287-TX
DATE: APRIL 19, 2001

- 02/20/01 - The Division of Administration mailed the Delinquent Notice.
- 03/15/01 - The Commission received a letter from the company advising it had applied for and received a certificate in error and requested cancellation of its certificate. Again, the company did not include payment of the 2000 RAF.
- 03/26/01 and 04/03/01 - Staff called Ms. Gale Gorner, Assistant Controller, to discuss this docket. Ms. Gorner advised in the last conversation that the 2000 RAF would be paid.
- 04/06/01 - The Commission received the company's payment for the 2000 RAF, including statutory 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.

DOCKET NO. 010287-TX
DATE: APRIL 19, 2001

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Intraco Systems, Inc. a voluntary cancellation of its Certificate No. 7516?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 7516 with an effective date of December 26, 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 2000 RAF, including statutory penalty and interest charges, and 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. 7516 should be granted with an effective date of December 26, 2000.

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 the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificate. (K. Peña; B. Keating)

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 issuance of a Consummating Order and upon receipt of the fine and fees or cancellation of the certificate.