



# 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 - PSC  
JUN 22 AM 10:35  
RECORDS AND REPORTING

**DATE:** JUNE 28, 2001

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Big*  
DIVISION OF LEGAL SERVICES (WALKER) *KDW BIK*

**RE:** DOCKET NO. 001412-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5260 ISSUED TO FLORIDA CITY-LINK COMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 07/10/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\001412.RCM

### CASE BACKGROUND

- **11/11/97** - This company obtained Florida Public Service Commission Certificate No. 5260.
- **05/10/99** - In a separate proceeding, in Docket No. 981962-TX, Order No. PSC-99-0926-AS-TX was issued, which accepted the company's \$100 settlement proposal. The company had previously paid the past due amount and the \$100 settlement and proposed to pay future Regulatory Assessment Fees (RAFs) on a timely basis.
- **12/08/99** - The Division of Administration mailed the 1999 RAF notice. The due date was January 31, 2000.

DOCUMENT NUMBER-DATE

07760 JUN 22 01

PSC-RECORDS/REPORTING

DATE: JUNE 28, 2001

- **02/29/00** - The Division of Administration mailed a delinquent notice for nonpayment of the 1999 RAF.
- **10/26/00** - Staff wrote the company and explained that a docket had been established for nonpayment of the 1999 RAFs and to contact staff if it was interested in resolving this docket.
- **12/12/00** - The Division of Administration mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- **02/21/01** - The Division of Administration mailed a delinquent notice for nonpayment of the 2000 RAF.
- **03/12/01** - Order No. PSC-01-0572-PAA-TX was issued, which imposed a \$500 fine. The company had until April 2, 2001 to respond to the Order.
- **04/02/01** - The Commission received the company's payment for the 1999 RAF and the \$500 fine.
- **04/09/01** - Amendatory Order No. PSC-01-0572A-PAA-TX was issued, which corrected the fine amount to \$1,000. The company had until April 30, 2001 to respond to the Order.
- **04/30/01** - The Commission received payment for the outstanding amount, including statutory penalty and interest charges. In addition, the company proposed a settlement. The company reported revenues in the amount of \$20,000 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 Florida City-Link Communications, 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. 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. (Isler)

**STAFF ANALYSIS:** After Order No. PSC-01-0572-PAA-TX was issued on March 12, 2001, the Commission received the company's payment for the 1999 RAF and the \$500 fine. On April 9, 2001, Amendatory Order PSC-01-0572A-PAA-TX was issued correcting the fine amount to \$1,000. The company subsequently paid the 2000 RAF, including penalty and interest charges, and proposed a settlement of \$500, that it had already paid. In addition, the company proposed to pay future RAFs on a timely basis. This 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. 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.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (Walker)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed.