

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECEIVED-FPSC
SEP - 5 AM 11:59
COMMISSION CLERK

DATE: SEPTEMBER 6, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PK*
DIVISION OF LEGAL SERVICES (BANKS) *POB*

RE: DOCKET NO. 001485-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7160 ISSUED TO CAT COMMUNICATIONS INTERNATIONAL, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 09/18/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001485.RCM

CASE BACKGROUND

- **10/15/99** - This company was granted Florida Public Service Commission Alternative Local Exchange Carrier Certificate No. 7160.
- **12/08/99** - The Division of the Commission Clerk & Administrative Services mailed the 1999 Regulatory Assessment Fee (RAF) return notice. Payment was due by January 31, 2000.

DOCUMENT NUMBER-DATE

11021 SEP-50

FPSC-COMMISSION CLERK

DATE: JUNE 28, 2001

- **02/29/00** - The Division of the Commission Clerk & Administrative Services mailed the delinquent notice for the 1999 RAF.
- **10/30/00** - Staff wrote the company a letter explaining that a docket had been established for nonpayment of the 1999 RAF and to contact staff if it was interested in resolving this docket.
- **11/13/00** - Ms. Patricia M. Spencer, Vice President of Operations and Regulatory, called staff and requested the 1999 RAF return form and the company's options. This information was faxed to the company on the same date.
- **11/30/00** - The Commission received payment of the 1999 RAF, including penalty and interest charges except for \$0.50. The company reported no revenues for the period ended December 31, 1999. In addition, the company proposed a settlement of \$50 and proposed to pay future RAFs on a timely basis.
- **12/07/00** - Staff called Ms. Spencer and explained staff could not recommend acceptance of its settlement proposal as it was not consistent with prior Commission decisions.
- **12/12/00** - The Division of the Commission Clerk & Administrative Services mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- **12/26/00** - The Commission received the company's amended settlement proposal.
- **02/15/01** - Staff advised Ms. Spencer that the 2000 RAF was now past due and it would have to be paid before staff could recommend acceptance of the company's settlement offer.
- **02/16/01** - Staff received a fax from the company. The fax stated that it was enclosing the 2000 RAF, including penalty and interest charges. The Commission did not receive the hard copy (original).
- **02/21/01** - The Division of the Commission Clerk & Administrative Services mailed the delinquent notice for the 2000 RAF.

- **02/28/01** - The Commission received payment for the 2000 RAF for the company's interexchange carrier certificate, but the company neglected to pay RAF for its alternative local exchange carrier certificate, which is the subject of this docket.
- **06/28/01** - Staff filed a recommendation to deny the company's settlement proposal.
- **07/10/01** - This docket was deferred from the July 10, 2001 Agenda Conference at the company's request. The company requested additional time to resolve this docket.
- **07/13/01** - The Commission received the company's payment for the 2000 RAF. The company reported no revenues for the period ended December 31, 2000.
- **08/07/01** - The Commission received the company's payment for the past due penalty and interest for late payment of the 2000 RAF.

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 CAT Communications International, 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. 7160 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.

The Commission received the company's payment for all outstanding regulatory assessment fees, including statutory penalty and interest charges, and a letter from the company which offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. In addition, the company's settlement proposal included a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. 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

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accordance with the terms of the Commission Order, Certificate No. 7160 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 \$100 contribution or cancellation of the certificate. (Banks)

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.