



Public Service Commission

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

COMMISSION
CLERK

RECEIVED: FPSC
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DATE: SEPTEMBER 20, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *AJC*
DIVISION OF LEGAL SERVICES (ELLIOTT; K. PEÑA; B. KEATING) *PK*

RE: DOCKET NO. 010893-TI - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF IXC CERTIFICATE NO. 3995 ISSUED TO
FLORIDA NETWORK, U.S.A., INC. D/B/A NETWORK USA FOR
VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT
FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 010900-TI - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF IXC CERTIFICATE NO. 4735 ISSUED TO
USA GLOBAL LINK, INC. FOR VIOLATION OF RULE 25-4.0161,
F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS
COMPANIES.

AGENDA: 10/02/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010893.RCM

CASE BACKGROUND

The companies listed on Attachment A were mailed the 2000 Regulatory Assessment Fee (RAF) return notice and payment was due by January 30, 2001. On February 21, 2001, the Division of the Commission Clerk & Administrative Services mailed a delinquent letter for the 2000 RAF.

Each of the companies listed on Attachment A wrote the Commission and requested cancellation of their respective

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certificates. Staff wrote each company back and explained that in order to grant a voluntary cancellation, the company must comply with Rule 25-24.474, Florida Administrative Code, which included paying the past due 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 grant the companies listed on Attachment A a voluntary cancellation of their respective certificates?

RECOMMENDATION: No. The Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. 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 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.

Each of the companies listed on Attachment A wrote the Commission and requested cancellation of their respective certificates. Staff wrote each of the companies and explained that in order to recommend a voluntary cancellation, the companies must comply with Rule 25-24.474(2)(a), (b), and (c), Florida Administrative Code.

The Division of the Commission Clerk & Administrative Services notified staff that each company listed on Attachment A had not submitted the 2000 regulatory assessment fees, along with statutory penalty and interest charges. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. As of September 13, 2001, the companies listed on Attachment A have not paid the past due amounts.

**Florida Network, U.S.A., Inc. d/b/a Network USA
Docket No. 010893-TI**

On March 6, 2001, the Commission received a letter requesting cancellation of its certificate. On March 12, 2001, staff wrote the company and explained that in order for staff to recommend approval of a voluntary cancellation, the 2000 RAF, plus penalty and interest charges for the years 1997 and 2000, must be paid. In

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addition, staff advised that the company needed to either pay the 2001 RAF or provide a date certain it would be paid, in compliance with Rule 25-24.474, Florida Administrative Code.

USA Global Link, Inc.
Docket No. 010900-TI

On June 6, 2001, the Division of the Commission Clerk & Administrative Services provided technical staff with a copy of the company's 2000 RAF return, which did not include payment. Staff wrote the company on June 11 and explained that a minimum RAF of \$50.00 was due. Staff advised that a docket would not be established to allow the company time to come into compliance with Rule 25-4.0161, Florida Administrative Code, and requested a response by June 26, 2001. On June 25, 2001, the Commission received a letter, which advised the company was out of business and requested withdrawal of its certificate.

As of September 13, 2001, none of the companies listed on Attachment A have complied with Rule 25-24.474, Florida Administrative Code, nor paid the past due amounts.

Accordingly, staff believes the Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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ISSUE 2: Should these dockets 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. These dockets should then be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final. (Elliott; 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, these dockets should be closed upon issuance of a Consummating Order and upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>Effective Date of Cancellation</u>
010893-TI	Network USA \$0 Revenues for Period Ended 12/31/00	3995	03/06/01
010900-TI	USA Global Link, Inc. \$33.51 Revenues for Period Ended 12/31/99	4735	06/25/01