



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-**

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COMMISSION CLERK

**DATE:** SEPTEMBER 20, 2001

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij*  
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE*

**RE:** DOCKET NO. 010894-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4044 ISSUED TO TELECOM NETWORK, 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\010894.RCM

CASE BACKGROUND

- 07/04/95 - This company obtained Florida Public Service Commission Certificate No. 4044.
- 12/12/00 - The 2000 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due by January 30, 2001.
- 02/21/01 - The Division of the Commission Clerk & Administrative Services mailed the Delinquent Notice.
- 08/10/01 - Staff wrote the company and explained that a docket had been established for nonpayment of the 2000 RAF and to contact staff for its options.

DOCUMENT NUMBER-DATE

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- **08/16/01** - Mr. Stephan Soilleux, President, e-mailed staff and explained that Telecom Network, Inc. is a marketing company and does not provide telecommunications service to customers. Mr. Soilleux advised that he would pay the past due amount and request cancellation of his certificate.
- **08/27/01** - The Commission received the company's payment for the 2000 RAF, including statutory penalty and interest charges, payment for the 2001 RAF, and a letter requesting cancellation of its certificate. The company reported no revenues for both RAF years.

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 Telecom Network, Inc. a voluntary cancellation of its Certificate No. 4044?

**RECOMMENDATION:** Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 4044 with an effective date of August 27, 2001. (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 the 2001 RAF. In addition, the company requested voluntary cancellation of its certificate as required by Rule 25-24.474, Florida Administrative Code.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 4044 should be granted with an effective date of August 27, 2001.

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**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 cancellation of the certificate. (Elliott)

**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 cancellation of the certificate.