



Public Service Commission
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COMMISSION CLERK &

DATE: OCTOBER 25, 2001
TO: DIRECTOR, DIVISION OF THE COMMISSION ADMINISTRATIVE SERVICES (BAYÓ)
FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (J. ELLIOTT) *JAE*
RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 011055-TI - TOTALACCESS.COM, INC.
DOCKET NO. 011071-TI - WORKNET COMMUNICATIONS INC.

AGENDA: 11/06/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\011055.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 notice for the 2000 RAF.

Each of the companies listed on Attachment A requested cancellation of their respective certificates. Staff wrote each of the companies listed on Attachment A and explained that a voluntary cancellation could not be recommended with a past due balance and that each company needed to comply with Rule 25-24.474(2)(a), (b), and (c), Florida Administrative Code.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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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.

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, for the year 2000. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Each company listed on Attachment A contacted the Commission and requested cancellation of their respective certificates.

TotalAccess.com, Inc. - Docket No. 011055-T1

On August 17, 2001, staff wrote the company and explained that a docket had been established for nonpayment of the 2000 RAF, plus statutory penalty and interest charges. Staff asked the company to contact staff if it was interested in resolving the docket. On August 27, 2001, the Commission received a letter from Mr. Brian Butterfield, Legal Administrator, which requested voluntary cancellation or a temporary suspension. The letter stated that the company does not provide service at this time, but may wish to do so in the future. Staff wrote Mr. Butterfield and explained that in order to recommend a voluntary cancellation, the company would have to pay the past due RAF and either pay the 2001 RAF or provide

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a date certain it would be paid. As of October 17, 2001, the past due fees have not been paid and the company has not complied with Rule 25-24.474, Florida Administrative Code.

WorkNet Communications Inc. - Docket No. 011071-TI

On March 22, 2001, the Commission received a letter from Mr. Joshua Avigad, Assistant General Counsel, requesting cancellation of the company's certificate. Staff wrote Mr. Avigad on March 28, 2001, and explained that in order to recommend a voluntary cancellation, the company would have to pay the past due RAF and either pay the 2001 RAF or provide a date certain it would be paid. As of October 17, 2001, the past due fees have not been paid and the company has not complied with Rule 25-24.474, Florida Administrative Code.

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 cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final. (J. 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, these dockets should be closed upon issuance of a Consummating Order and upon 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> |
|-------------------|---|----------------------|---------------------------------------|
| 011055-TI | TotalAcess.com, Inc. No Previous Return Filed | 7396 | 08/27/01 |
| 011071-TI | WorkNet Communications Inc. No Previous Return Filed | 7559 | 03/22/01 |