

STATE OF FLORIDA

COMMISSIONERS:
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BRAULIO L. BAEZ
MICHAEL A. PALECKI



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
(850) 413-6600

Public Service Commission

October 30, 2001

Via Facsimile (303-992-6433)

Mr. David LeNard, Sr. Financial Analyst
USLD Communications, Inc.
Qwest Communications Corporation
1801 California Street, #4900
Denver, CO 80202-2613

RE: Docket Nos. 011131-TX and 011149-TX

Dear Mr. LeNard:

On August 30th, I was copied on e-mail between you and Jackie Knight concerning an overpayment and transfer of the overpayment to delinquent accounts. According to Commission records, there are (or were) seven (7) certificates in different names all associated with the same company. A short summary of the Regulatory Assessment Fee (RAF) history for each of the certificates is outlined on the attached.

For future reference, the RAF is owed for each certificate a company has if that certificate is active for any one day during a calendar year. Therefore, even though three of the company's certificates may have been cancelled, the 2001 RAF is still owed on all three certificates since the inactive date was August 14, 2001.

In addition, Rule 25-4.0161, Florida Administrative Code, provides that a RAF return form must be returned with payment. In the case of USLD/Qwest/LCI/Phoenix, this is not always done, which causes confusion.

There are two pending dockets on the two ALEC certificates. Docket No. 011131-TX is for nonpayment of the 2000 RAF for USLD Communications, Inc. and Docket No. 011149-TX is for Qwest Communications Corporation. As the attached summary shows, USLD owes \$17.00 penalty and interest for late payment of the 2000 RAF and Qwest still owes the 2000 RAF, plus penalty and interest charges. In addition, the company will need to propose a settlement to resolve both dockets. The company's options, along with the 2000 RAF returns for both certificates, are attached.

It is my understanding that the company has requested a refund for the \$3,285.58 (July thru December 2000 on the IXC certificate --TI890) overpayment for LCI International Telecom Corp. d/b/a Qwest Communications Services. I was told that before it can be processed,

DOCUMENT NUMBER - DATE

13784 OCT 31 01

FPSC-COMMISSION CLERK

Mr. David LeNard, Sr. Financial Analyst

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has requested additional information from you.

Please review all of the information and let me know by November 14, 2001 how the company wishes to proceed. In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at pisler@psc.state.fl.us, or at the above address.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Quality

Attachments

cc: Docket No. 011131-TX
Docket No. 011149-TX
Division of Legal Services (Elliott; K. Peña)

USLD Communications, Inc.

USLD holds IXC (TI927) and ALEC (TX090) certificates. Both certificates are still active.

- **TI927** - Commission records show that RAFs are up-to-date thru December 31, 2000. The 2001 RAF return will be mailed mid-December 2001 and become due by January 30, 2002.
- **TX090** - Staff currently has Docket No. 011131-TX pending for nonpayment of the 2000 RAF. After the docket was established, on 10/03/01, the Commission received four checks and two RAF returns. The two checks associated with the RAF returns were credited to those accounts (TI215 and TI890). The remaining two checks, each for \$50 were credited to TX026 and TX090. No correspondence or note was included with the payments to indicate where the company wanted the other two \$50 checks posted. Commission records show that the company owes penalty and interest for late payment of the 2000 RAF. Please note, since the Commission's Fiscal Section credited one of the \$50 checks to this account for the 10/03/01 check and since a RAF return form was not completed for this company, staff does not know the past due amount. If, however, the company owed only the minimum \$50, then the past due penalty and interest charges are \$17.

Qwest Communications Corporation

Qwest Communications Corporation holds IXC (TI215) and ALEC (TX273) certificates. Both certificates are still active.

- **TI215** - Commission records show that the company has a past due penalty (\$669.06) and interest (\$133.81) charge for late payment of the January 1 thru June 30, 2001 RAF period in the amount of \$802.87. The payment in the amount of \$14,986.84 was postmarked 10/03/01 and included the estimated RAF return. The company's account was credited with \$13,381.11 RAF, \$1,338.11 penalty, and \$267.62 interest, leaving a \$802.87 balance.
- **TX273** - Staff currently has Docket No. 011149-TX pending for nonpayment of the 2000 RAF. Commission records show that the company owes/has paid the following:

Although this certificate did not become active until 1999, on 04/26/00, the company postmarked two \$50 checks for this company code (no RAF return). The Fiscal Section posted \$50 to 1998, \$6 for the penalty (\$5.00) and interest (\$1) balance for 1999, \$24 1998 RAF, \$12.50 1998 penalty, and \$7.50 1998 interest. It is my opinion that all of the money credited to 1998, should be considered an overpayment (\$94.00). The 2000 RAF remains unpaid.

LCI International Telecom Corp. d/b/a Qwest Communications Services

LCI held IXC (TI890) and ALEC (TX026) certificates. Both certificates were cancelled at the company's request, effective 08/14/01 in Docket No. 010617-TP.

- **TI890** - Commission records show an overpayment of \$3,285.58 for the July thru December 2000 RAF period. However, for the January thru June 2001 RAF period, the company has a penalty (\$84.29) and interest (\$18.65) balance totalling \$102.94. In addition, LCI will owe RAF for the period 07/01/01 thru 08/14/01, which becomes due January 30, 2002.
- **TX026** - Commission records show a past due penalty (\$12.03) and interest (\$2.41) balance in the amount of \$14.44 for late payment of the 1997 RAF. On 10/03/01, the Commission received four checks and two RAF returns. The two checks associated with the RAF returns were credited to those accounts (TI215 and TI890). The remaining two checks, each for \$50 were credited to TX026 and TX090. No correspondence or note was included with the payments to indicate where the company wanted the other two \$50 checks posted.

Phoenix Network, Inc.

Phoenix held IXC (TI943) certificate, which was cancelled at the company's request, effective 08/14/01 in Docket No. 010617-TP.

- **TI943** - Commission records show that Phoenix will owe the 2001 RAF fee, which becomes due January 30, 2002.

OPTIONS

CANCELLATION OF THE CERTIFICATE

- **Voluntary Cancellation** - In order to be granted a voluntary cancellation, the company must: 1) write a letter requesting cancellation of the certificate and explain why (such as no longer in the telecommunications business); 2) pay all past due charges in full; and 3) pay the 2001 Regulatory Assessment Fee (RAF) or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate).
- **Involuntary Cancellation** - If the company does nothing to resolve this docket, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection.

TO KEEP THE CERTIFICATE ACTIVE

- Pay the past due RAF amount in full, including statutory penalty and interest charges, plus the fine imposed, after the Order is issued and the certificate will remain active. Just paying the past due amount will not prevent your certificate from being cancelled.
- **Propose a settlement** - All settlements must include the following elements:
 - 1) Docket number;
 - 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
 - 3) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - 4) A waiver of objection, which should state: The company agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, Commission staff will bring the matter to the Commission for consideration; and
 - 5) Make a specific monetary settlement. There is normally a \$500 fine for this rule violation. However, the Commission has accepted amounts less than the fine amount in other similar cases.

Any settlement offer/correspondence should be addressed to Ms. Blanca Bayó, Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.

Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:
01/01/2000 TO 12/31/2000

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX090-00-0-R
 USLD Communications, Inc.
 1801 California Street, #4900
 Denver, CO 80202-2613
 Docket No. 011131-TX

FOR PSC USE ONLY

Check# _____

\$ _____ 0603006
 _____ 003001

\$ _____ P
 _____ 0603006
 _____ 004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

Please Complete Below If Official Mailing Address Has Changed

 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ _____	\$ _____
2.	Long Distance Services (IntraLATA only)**	_____	_____
3.	Access Services	_____	_____
4.	Private Line Services	_____	_____
5.	Leased Facilities & Circuits Services	_____	_____
6.	Miscellaneous Services	_____	_____
7.	TOTAL REVENUES		\$ _____
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		_____
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		_____
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		_____
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
13.	TOTAL AMOUNT DUE		\$ _____

* These amounts must be intrastate only and must be verifiable.

** Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

- () Facilities-Based Provider
 () Reseller
 () Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself.

 (Name) (Address: City/State/Zip) () (Telephone)

COMPANY INFORMATION

Do you lease telecommunications' facilities? () YES () NO
 If YES, who do you lease these facilities from? Name: _____
 Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official) (Title) (Date)

 (Preparer of Form - Please Print Name) Telephone Number () Fax Number ()
 F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Alternative Local Exchange Company)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

2. **FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 8, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. ***Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals. DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.***

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 11). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 12). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A request for an extension of time up to 30 days may be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/ADM-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
 Estimated Return
 Amended Return

PERIOD COVERED:
01/01/2000 TO 12/31/2000

Florida Public Service Commission
(See Filing Instructions on Back of Form)

TX273-00-0-R
 Qwest Communications Corporation
 1801 California Street, #4900
 Denver, CO 80202-2613
 Docket No. 011149-TX

FOR PSC USE ONLY

Check# _____

\$ _____ 0603006
 _____ 003001

\$ _____ P
 _____ 0603006
 _____ 004011

\$ _____ I

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Initials of Preparer _____

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 (Preparer of Form - Please Print Name)

Telephone Number () Fax Number ()
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TRANSMISSION VERIFICATION REPORT

TIME : 10/30/2001 16:02
NAME :
FAX :
TEL :

DATE, TIME	10/30 15:57
FAX NO./NAME	613039926433
DURATION	00:04:48
PAGE(S)	09
RESULT	OK
MODE	STANDARD ECM