



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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DATE: NOVEMBER 19, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PJK*  
DIVISION OF LEGAL SERVICES (J. ELLIOTT) *JAE*

RE: DOCKET NO. 011154-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4998 ISSUED TO JAMES A. RUSCH D/B/A LIGHTNING TELECOM FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 011155-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5090 ISSUED TO JIVE TALK, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/04/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\011154.RCM

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CASE BACKGROUND

The companies listed on Attachment A were mailed the 2000 Regulatory Assessment Fee (RAF) 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.

After the dockets were opened, staff wrote each of the companies listed on Attachment A and explained that a docket had

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been established and to contact staff if the companies were interested in resolving the dockets. The companies listed on Attachment A paid the past due amounts, including statutory penalty and interest charges, and requested voluntary cancellation. In addition, the companies paid the 2001 RAF.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, 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:** Yes. The Commission should grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on Attachment A. (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.

Staff wrote each of the companies listed on Attachment A and explained that a docket had been established. Staff advised the

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companies to contact staff if they were interested in resolving the dockets. Each company listed on Attachment A contacted staff, paid the past due amount in full, including statutory penalty and interest charges, and requested voluntary cancellation of their respective certificates in compliance with Rule 25-24.514(2)(a) and (b), Florida Administrative Code. In addition, the companies paid the 2001 RAF.

Accordingly, staff believes the companies' requests for a voluntary cancellation of their respective telecommunications certificates should be granted with effective dates as listed on Attachment A.

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation on Issue 1, these dockets should be closed upon cancellation of the certificates as no other issues need to be addressed by the Commission. (J. Elliott)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation on Issue 1, these dockets should be closed upon cancellation of the certificates as no other issues need to be addressed by the Commission.

## ATTACHMENT A

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<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES &amp; PERIOD COVERED</u>	<u>CERT.</u> <u>NO.</u>	<u>Effective Date of Cancellation</u>
011154-TC	Lightning Telecom \$67 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	4998	03/29/01
011155-TC	Jive Talk, Inc. \$71,138.10 Revenues for Period Ended 12/31/00 \$5,287.00 Revenues for Period Ended 12/31/01	5090	05/30/01