



Public Service Commission
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COMMISSION CLERK

DATE: FEBRUARY 7, 2002
TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYO)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Dji*
OFFICE OF GENERAL COUNSEL (J. ELLIOTT; K. PEÑA; B. KEATING) *JAE* *KMP* *HL*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 011219-TX - COMSCAPE COMMUNICATIONS, INC.
DOCKET NO. 011224-TX - TELECARE, INC. D/B/A CARETELE, INC.
DOCKET NO. 011251-TX - JONES PHONES

AGENDA: 02/19/02 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\011219.RCM

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 for the 2000 RAF.

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 RAFs.

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: 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 had failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

On September 27 and October 1, 2001, staff wrote each of the companies listed on Attachment A and explained that a docket had been established. Staff advised the companies to contact staff if

DOCKET NOS. 011219-TX, 011224-TX, 011251-TX
DATE: FEBRUARY 7, 2002

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 25-24.820(2)(a), (b), (c), and (d), Florida Administrative Code. In addition, each company 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: 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 dockets should then be closed upon cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final. (J. 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. A protest in one docket should not prevent the action in a separate docket from becoming final.

DOCKET NOS. 011219-TX, 011224-TX, 011251-TX
DATE: FEBRUARY 7, 2002

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>Effective Date of Cancellation</u>
011219-TX	ComScape Communications, Inc. \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	6065	11/19/01
011224-TX	Caretele, Inc. \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	7079	10/19/01
011251-TX	Jones Phones \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	7313	10/05/01