



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-

RECEIVED-FPSC
MAY -9 AM 10:21
COMMISSION
CLERK

DATE: MAY 9, 2002

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

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

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

DOCKET NO. 020291-TI - ENHANCED GLOBAL CONVERGENCE
SERVICES, INC. D/B/A EGCS
DOCKET NO. 020366-TI - SPRAWLNET.COM INC.

AGENDA: 05/21/02 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020291.RCM

CASE BACKGROUND

The companies listed on Attachment A were mailed the 2001 Regulatory Assessment Fee (RAF) return notice and payment was due by January 30, 2002. On February 20, 2002, the Office of the General Counsel mailed a delinquent notice for the 2001 RAF.

The Commission received correspondence from each of the companies listed on Attachment A, which requested cancellation of their respective certificates. Staff wrote each of the companies listed on Attachment A and explained that staff could not recommend a voluntary cancellation until each company complied with Rule 25-24.474, Florida Administrative Code. However, each of the

DOCUMENT NUMBER-DATE

05007 MAY-98

FPSC-COMMISSION CLERK

DOCKET NOS. 020291-TI, 020366-TI

DATE: MAY 9, 2002

companies listed on Attachment A have a past due amount and have not complied with Rule 25-24.474, Florida Administrative Code.

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 not grant the companies a voluntary cancellation of their respective certificates. 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. If the certificates for each company as listed on Attachment A are cancelled in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing interexchange carrier telecommunications services in Florida. (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.

Rule 25-24.474(2)(a), (b), (c), and (d), Florida Administrative Code, states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request.

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

(c) A statement on treatment of customer deposits and final bills.

(d) Proof of individual customer notice regarding discontinuance of service.

DOCKET NOS. 020291-TI, 020366-TI
DATE: MAY 9, 2002

Although each of the companies listed on Attachment A requested cancellation of their respective certificates, the companies have past due RAFs.

**Enhanced Global Convergence Services, Inc. d/b/a eGCS
Docket No. 020291-TI**

On October 4, 2001, the Commission received a letter from this company requesting cancellation of its certificate since it had no customers in Florida. On October 12, 2001, staff wrote the company and explained that prior to granting a voluntary cancellation, the company must either pay the 2001 RAF or provide a date certain it would be paid. As of April 29, 2002, the past due amount has not been paid and the company has not complied with Rule 25-24.474, Florida Administrative Code.

**Sprawl.net.com Inc.
Docket No. 020366-TI**

On March 5, 2002, the Commission received the company's 2001 RAF return showing zero revenues, along with a note requesting cancellation of its certificate. On March 6, 2002, staff wrote the company and explained that prior to granting a voluntary cancellation, the company must pay the 2001 RAF, plus statutory penalty and interest charges for the years 2000 and 2001, and either pay the 2002 RAF or provide a date certain it would be paid. As of April 29, 2002, the past due amount has 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. If the certificates for each company as listed on Attachment A are cancelled in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing interexchange carrier telecommunications services in Florida.

DOCKET NOS. 020291-TI, 020366-TI

DATE: MAY 9, 2002

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. These dockets should then 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. (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. 020291-TI, 020366-TI

DATE: MAY 9, 2002

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>Effective Date of Cancellation</u>
020291-TI	eGCS \$34,816 Revenues for Period Ended 12/31/00	7598	10/04/01
020366-TI	Sprawl.net.com Inc. \$0 Revenues for Period Ended 12/31/00	7287	03/05/02