

State of Florida



Public Service Commission
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COMMISSION CLERK

DATE: JUNE 27, 2002

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *JS* *AD*
OFFICE OF THE GENERAL COUNSEL (J. ELLIOTT) *JAE* *MC*

RE: DOCKET NO. 020291-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 7598 ISSUED TO ENHANCED GLOBAL CONVERGENCE SERVICES, INC. D/B/A EGCS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 07/09/02 - 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

- 10/20/00 - This company obtained Florida Public Service Commission Interexchange Company (IXC) Certificate No. 7598.
- 10/04/01 - The Commission received a letter from Ms. Corinne A. Kelly, which requested cancellation of the company's IXC certificate and advised that the company had no customers in Florida.
- 10/12/01 - Staff wrote the company and advised that it either needed to pay the 2001 RAF or provide a date certain it would be paid.

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- **12/12/01** - The Division of the Commission Clerk & Administrative Services mailed the 2001 Regulatory Assessment Fee (RAF) return notice. Payment was due by January 30, 2002.
- **02/21/02** - The Office of the General Counsel mailed a delinquent notice for nonpayment of the 2001 RAF.
- **05/09/02** - Staff filed its recommendation to deny the company's a voluntary cancellation.
- **05/10/02** - The Commission received a letter dated April 18, 2002, from Ms. Kristine Harris, which again requested cancellation of the company's IXC certificate.
- **05/14/02** - Staff requested deferral of this docket from the May 21, 2002 Agenda Conference.
- **05/30/02** - The Commission received the company's payment for the 2001 RAF, including statutory penalty and interest charges.

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 Enhanced Global Convergence Services, Inc. d/b/a eGCS a voluntary cancellation of IXC Certificate No. 7598?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of October 4, 2001. (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.

The Commission received a letter from the company on October 4, 2001, which requested cancellation of its IXC certificate and stated that the company had no customers in Florida. Staff wrote the company on October 12, 2001, and explained that in order to be granted a voluntary cancellation, the company needed to either pay the 2001 RAF or provide a date certain it would be paid. Since the company did not respond to staff's letter nor pay the 2001 RAF by the due date of January 30, 2002, on May 9, 2002, staff filed its recommendation to deny the company a voluntary cancellation. The next day, May 10, 2002, the Commission received a second letter from the company again requesting cancellation of its IXC

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certificate. Staff requested permission to defer this docket from the May 21, 2002 Agenda Conference and contacted the company. On May 30, 2002, the Commission received the company's payment for the 2001 RAF, including statutory penalty and interest charges.

Accordingly, staff believes the company's request for a voluntary cancellation of its certificate should be granted with an effective date of October 4, 2001.

ISSUE 2: Should this docket 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 issuance of the Proposed Agency Action Order. The docket should then be closed upon issuance of a Consummating Order. (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, this docket should be closed upon issuance of a Consummating Order.