

State of Florida



Public Service Commission  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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DATE: 08/22/02

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Pij*  
OFFICE OF THE GENERAL COUNSEL (DODSON) *PHD JK*

RE: DOCKET NO. 020587-TX - CANCELLATION BY FLORIDA PUBLIC  
SERVICE COMMISSION OF ALEC CERTIFICATE NO. 7451 ISSUED TO  
AMAFLA TELECOM, INC. FOR VIOLATION OF RULES 25-4.0161,  
F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS  
COMPANIES AND 25-24.835, F.A.C., RULES INCORPORATED.

AGENDA: SEPTEMBER 3, 2002 - REGULAR AGENDA - INTERESTED PERSONS  
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020587.RCM

CASE BACKGROUND

- 05/30/00 - This company obtained Florida Public Service Commission ALEC Certificate No. 7451.
- 12/12/01 - The Division of the Commission Clerk & Administrative Services mailed the 2001 Regulatory Assessment Fee (RAF) notice. The due date was January 30, 2002.
- 02/21/02 - The Office of the General Counsel mailed a delinquent notice via certified mail. The US Postal Service subsequently returned the unopened delinquent notice stamped "Attempted, not known."
- 05/03/02 - Staff wrote the company and explained that the 2001 RAF, plus penalty and interest charges, had not been paid and

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requested updated reporting requirements. Staff advised that a docket would be established if payment and the requested information was not received by May 24, 2002.

- **06/26/02** - Mr. Luis Chumaceiro, President, called staff and provided staff with its updated reporting requirements. In addition, Mr. Chumaceiro requested that staff fax him the information to resolve this docket. Staff faxed the information on June 27, 2002.
- **07/18/02** - The Commission received the company's payment for the outstanding amount, including statutory penalty and interest charges. The company reported no revenues for the period ended December 31, 2001. In addition, the Commission received the company's proposed settlement.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, and 364.183, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by AMAFLA Telecom, Inc. to resolve the apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and 25-24.835, Florida Administrative Code, Rules Incorporated?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7451 should be cancelled administratively. If AMAFLA Telecom, Inc.'s certificate is cancelled in accordance with the Commission's Order from this recommendation, AMAFLA Telecom, Inc. should be required to immediately cease and desist providing alternative local exchange services in Florida. (Isler; Dodson)

**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 25-24.835, Florida Administrative Code, Rules Incorporated, provides that each company is allowed ten days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. Mail sent to the company was returned to the Commission by the US Postal Service.

After this docket was opened, but prior to staff filing a recommendation, the Commission received the company's payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, the company's updated reporting requirements, and a letter from the company which offered to pay a \$200 contribution and proposed to pay future RAFs on a timely

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basis. In addition, the company's settlement proposal included a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. The recommended settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7451 should be cancelled administratively. If AMAFLA Telecom, Inc.'s certificate is cancelled in accordance with the Commission's Order from this recommendation, AMAFLA Telecom, Inc. should be required to immediately cease and desist providing alternative local exchange services in Florida.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate. (Dodson)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate.