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DATE: SEPTEMBER 19, 2002

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) &
OFFICE OF THE GENERAL COUNSEL (W. KNIGHT; ELLIOTT)

RE: DOCKET NO. 020632-TX - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF ALEC CERTIFICATE NO. 7841 ISSUED TO
NEW CONNECTS, INC. FOR VIOLATION OF RULE 25-4.0161,
F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS
COMPANIES.

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COMMISSION CLERK
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DOCKET NO. 020633-TX - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF ALEC CERTIFICATE NO. 7844 ISSUED TO
GLOBCOM, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C.,
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 10/01/02 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020632.RCM

CASE BACKGROUND

On December 12, 2001, the certificated companies listed on Attachment A were mailed the 2001 Regulatory Assessment Fee (RAF) Notice and payment was due by January 30, 2002. On February 21, 2002, the Office of the General Counsel mailed a delinquent notice, via certified mail, for the 2001 RAF.

After the dockets were opened, the companies listed on Attachment A paid the past due amounts in full and proposed settlements to resolve these dockets.

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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 accept the settlement offer proposed by each company listed on Attachment A to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes, the Commission should accept each company's settlement proposal, including a voluntary payment of \$100, which was submitted with each company's settlement proposal, to resolve the issues in these dockets. 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. (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.

After the individual dockets were established, the companies listed on Attachment A contacted the Commission and requested information on how to resolve the dockets. The companies subsequently paid the past due amounts in full, including statutory penalty and interest charges, and proposed settlements. Each company listed on Attachment A offered to pay a \$100 contribution, included payment of the \$100 contribution, and proposed to pay future RAFs on a timely basis. In addition, the companies listed on Attachment A included a waiver of objection to the administrative cancellation of their respective certificate in the event the settlement proposal is accepted and the companies ultimately fail to comply with the terms of their offer. These settlement amounts are consistent with amounts accepted for recent, similar violations.

Accordingly, staff believes the Commission should accept each company's settlement proposal, including a voluntary payment of \$100, which was submitted with each company's settlement proposal, to resolve the issues in these dockets. The Commission should forward the contribution to the Office of the Comptroller for

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deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: If the Commission approves staff's recommendation in Issue 1, these dockets should be closed. (W. Knight; Elliott)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, these dockets should be closed.

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<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT.</u> <u>NO.</u>	<u>RAFs</u>	<u>P and I</u>
020632-TX	New Connects, Inc. \$0 Revenues for Period Ended 12/31/01	7841	2001	2001
020633-TX	Globcom, Inc. \$0 Revenues for Period Ended 12/31/01	7844	2001	2001