



Public Service Commission

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

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COMMISSION
CLERK

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DATE: NOVEMBER 20, 2003

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Pji*
OFFICE OF THE GENERAL COUNSEL (MCKAY) *VSM da*

RE: DOCKET NO. 030624-TX - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF CLEC CERTIFICATE NO. 7248 ISSUED TO
TELSOUTH COMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-
4.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 030658-TX - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF CLEC CERTIFICATE NO. 7934 ISSUED TO
HERITAGE TECHNOLOGIES, LTD. FOR VIOLATION OF RULE 25-
4.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/02/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030624.RCM

CASE BACKGROUND

The companies listed on Attachment A were mailed the 2002 Regulatory Assessment Fee (RAF) Notice and payment was due by January 30, 2003. On February 21, 2003, the Office of the General Counsel sent a delinquent notice via certified mail attempting collection of the 2002 RAF. The US Postal Service returned the certified receipts for each company listed on Attachment A, which showed that the delinquent notices were signed for and delivered.

DOCUMENT NUMBER DATE

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Staff wrote each of the companies listed on Attachment A attempting collection of the RAF prior to dockets being established. The companies listed on Attachment A subsequently paid the past due amounts, including statutory late payment charges, and requested voluntary cancellation. In addition, the companies paid the 2003 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 voluntary cancellations of their respective competitive local exchange telecommunications company certificates?

RECOMMENDATION: The Commission should grant the companies a voluntary cancellation of their respective competitive local exchange telecommunications company certificates with an effective date as listed on Attachment A. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing competitive local exchange service in Florida. **(Isler; McKay)**

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 late payment charges 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 2002 Regulatory Assessment Fees, along with statutory late payment charges, for the year 2002. Therefore, the companies

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

On April 11, 2003, staff wrote each of the companies listed on Attachment A attempting collection of the RAFs prior to establishing a docket. Neither company contacted staff. After establishing dockets, each company listed on Attachment A paid the past due amount in full, including statutory late payment charges, paid the 2003 RAF, and requested voluntary cancellation of their respective certificates in compliance with Rule 25-24.820, Florida Administrative Code.

Accordingly, staff believes the Commission should grant the companies a voluntary cancellation of their respective competitive local exchange telecommunications company certificates with an effective date as listed on Attachment A. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing competitive local exchange service in Florida.

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.

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.

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ATTACHMENT A

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>Effective Date of Cancellation</u>
030624-TX	TelSouth Communications, Inc. \$0 Revenues for Period Ended 12/31/02 \$0 Revenues for Period Ended 12/31/03	7248	10/09/03
030658-TX	Heritage Technologies, Ltd. \$0 Revenues for Period Ended 12/31/02 \$0 Revenues for Period Ended 12/31/03	7934	10/06/03