

State of Florida



Public Service Commission

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

DEC 23 AM 9:51

-M-E-M-O-R-A-N-D-U-M-
COMMISSION
CLERK

DATE: DECEMBER 23, 2003

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Pij*
OFFICE OF THE GENERAL COUNSEL (MCKAY) *Vsm*

RE: DOCKET NO. 030804-TI - CANCELLATION OF TARIFF AND REMOVAL
FROM REGISTER BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC
REGISTRATION NO. TJ626 ISSUED TO MYCOMP INS AGENCY CORP.
FOR VIOLATION OF SECTION 364.336, FLORIDA STATUTES.

AGENDA: 01/06/04 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030804.RCM

CASE BACKGROUND

- **03/18/02** - This company obtained Florida Public Service Commission Interexchange Telecommunications Registration No. TJ626.
- **12/12/02** - The Division of the Commission Clerk & Administrative Services mailed the 2002 Regulatory Assessment Fee (RAF) return notice. Payment was due by January 30, 2003.
- **02/21/03** - 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 receipt, which showed the delinquent notice was signed for and delivered on February 24, 2003.

DOCUMENT NUMBER-DATE

13348 DEC 23 8

FPSC-COMMISSION CLERK

- **03/19/03** - The Division of the Commission Clerk & Administrative Services notified staff that this company had not paid the 2002 RAF.
- **04/28/03** - Staff wrote the company and explained that payment for the RAF needed to be paid by May 19, 2003, to avoid an enforcement docket from being established.
- **08/12/03** - Payment was not received; therefore, this docket was established.
- **10/07/03** - At the October 7, 2003, Agenda Conference, the Commission voted to impose a \$500 penalty or cancel the company's certificate.
- **10/13/03** - A company representative called staff and asked what needed to be done to request voluntary cancellation of the company's tariff and removal from the register. This information was provided to the company.
- **11/10/03** - Order No. PSC-03-1267-PAA-TI was issued, which imposed a \$500 penalty or cancelled the company's certificate. The company had until December 1, 2003, to respond to the Order.
- **11/17/03** - The Commission received the company's payment for the 2002 RAF, including statutory late payment charges, the 2003 RAF, along with a letter requesting cancellation of its tariff and removal from the register. The company reported no revenues for 2002 and 2003.
- **12/10/03** - As of this date, the company does not have any outstanding consumer complaints.

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 MYCOMP INS AGENCY CORP. a voluntary removal from the register of IXC Registration No. TJ626 and cancel its tariff?

RECOMMENDATION: The Commission should grant MYCOMP INS AGENCY CORP. a voluntary removal from the register of IXC Registration No. TJ626 and cancel its tariff with an effective date of November 17, 2003. If the tariff is cancelled and the company's name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange service in Florida. **(Isler; McKay)**

STAFF ANALYSIS: 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 the company had not submitted the 2002 Regulatory Assessment Fees, along with statutory late payment charges. Therefore, it appeared the company had failed to comply with Section 364.336, Florida Statutes, and had not requested cancellation of its tariff or removal from the register in compliance with Section 364.02, Florida Statutes.

Staff wrote the company attempting collection of the RAFs prior to establishing a docket without success. The Proposed Agency Action Order was issued on November 10, 2003, and on November 17, 2003, the Commission received the company's payment for the 2002 and 2003 RAF, along with statutory late payment charges, and a letter requesting removal from the register of its IXC Registration No. TJ626.

Accordingly, staff believes the Commission should grant MYCOMP INS AGENCY CORP. a voluntary removal from the register of IXC Registration No. TJ626 and cancel its tariff with an effective date of November 17, 2003. If the tariff is cancelled and the company's name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to

DOCKET NO. 030804-TI
DATE: DECEMBER 23, 2003

immediately cease and desist providing intrastate interexchange service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the company's tariff and removal from the register of Registration No. TJ626 as no other issues need to be addressed by the Commission.
(McKay)

STAFF ANALYSIS: If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the company's tariff and removal from the register of Registration No. TJ626 as no other issues need to be addressed by the Commission.