

State of Florida



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

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RECORDS AND REPORTING

DATE: APRIL 8, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BA)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *By RKT*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *NCB for KP*

RE: DOCKET NO. 981734-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 3578 ISSUED TO UNIVERSAL NETWORK SERVICES OF FLORIDA, INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 04/20/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981734.RCM

### CASE BACKGROUND

Universal Network Services of Florida, Inc. obtained Florida Public Service Commission IXC Certificate No. 3578 on September 14, 1994.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt, which showed the RAF notice was signed for and delivered on December 16, 1997.

The Division of Administration advised staff by memorandum that this company had not paid its 1997 RAF, plus the 1997 statutory penalty and interest charges.

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FPSC-RECORDS/REPORTING

On March 4, 1999, Order No. PSC-99-0440-FOF-TI was issued, which imposed a \$1,000 fine since this was the second docket opened against this company for the same rule violation and required payment of the fine and past due fees by April 1, 1999. The Division of Administration notified staff that the company's 1998 RAF form was returned by the company and stated the company "closed 6/1/97." Therefore, staff believes the following recommendations are appropriate.

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant Universal Network Services of Florida, Inc. a voluntary cancellation of its IXC Certificate No. 3578?

**RECOMMENDATION:** No. The Commission should not grant the company a voluntary cancellation of its IXC certificate. The Commission should involuntarily cancel Universal's certificate with an effective date of December 31, 1998. (Isler)

**STAFF ANALYSIS:** Rule 25-24.474(1), Florida Administrative Code, Cancellation of a Certificate, provides that the Commission may cancel a company's certificate for violation of Commission rules and orders or Florida Statutes. In addition, Rule 25-24.474(2)(a), (b), (c), and (d), F.A.C., 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 canceled.
- (c) A statement on treatment of customer deposits and final bills.
- (d) Proof of individual customer notice regarding discontinuance of service.

The Division of Administration's records show that as of April 1, 1999, Universal Network Services of Florida, Inc. has not paid the past due fees. Since the company's certificate remains active

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until it requests a voluntary cancellation and complies with the cancellation rule, or the Commission involuntarily cancels the certificate for a rule violation, Universal is responsible for the regulatory assessment fees. The company continues to be in violation of Commission rules by not paying the regulatory assessment fees; therefore, a voluntary cancellation would be inappropriate. Since the company is no longer in business, staff believes that no purpose would be served in requiring the company to pay a fine. By involuntarily cancelling this company's certificate, staff would be able to track this company should it apply for another certificate with the Commission in the future.

Accordingly, staff believes the company's certificate should be involuntarily canceled with an effective date of December 31, 1998.

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

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.