

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32310-9908

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RECEIVED-FPSC
APR 21 PM 3:39
RECORDS AND REPORTING

DATE: APRIL 22, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *PK*
DIVISION OF LEGAL SERVICES (B. KEATING) *OK* *DB*

RE: DOCKET NO. 981765-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4401 ISSUED TO AMERICOM TECHNOLOGIES, INC. D/B/A NETWORK UTILIZATION SERVICES, FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/04/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981765.RCM

CASE BACKGROUND

- 03/20/96 - Network Utilization Services obtained Florida Public Service Commission IXC Certificate No. 4401.
- 12/11/97 - The Division of Administration mailed the regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) did not return the receipt or unopened envelope.
- 03/09/99 - Order No. PSC-99-0502-FOF-TI was issued which imposed a \$500 fine and required payment of the fine and past due amount by April 6, 1999.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- 03/26/99 - The past due 1997 regulatory assessment fees were paid.
- 04/01/99 - Staff received a letter from the company's General Counsel, Mr. Andrew O. Kaplan, which proposed a \$100 settlement.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Network Utilization Services to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. 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 its settlement offer, the company's certificate should be canceled administratively with an effective date of December 31, 1998. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, 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.

The Division of Administration notified staff by memorandum that the company had not submitted the regulatory assessment fees for 1997, along with statutory penalties and interest charges for the year 1997.

On March 9, 1999, Order No. PSC-99-0502-FOF-TI was issued which imposed a \$500 fine and required payment of the fine and past due amount by April 6, 1999. On April 1, 1999, staff received a letter from the company's General Counsel, Mr. Andrew O. Kaplan,

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which proposed a \$100 settlement. The Division of Administration's records reflect that the company has now paid the 1997 regulatory assessment fees, including statutory penalty and interest charges.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. 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 its settlement offer, the company's certificate should be canceled administratively 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. (B. Keating)

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