



# Public Service Commission

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

RECORDS AND REPORTING

99 DEC -9 AM 11:30

RECEIVED-FPSC

**DATE:** DECEMBER 9, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (10)

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *Pij*  
DIVISION OF LEGAL SERVICES (STERN) *MKS BIC*

**RE:** DOCKET NO. 991587-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5226 ISSUED TO DEBITCOM, INC. FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.480 (2) (A) and (B), F.A.C., RECORDS & REPORTS; RULES INCORPORATED.

**AGENDA:** 12/21/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991587.RCM

### CASE BACKGROUND

- **10/07/97** - DebitCom, Inc. was granted IXC Certificate No. 5226. On the company's latest regulatory assessment fee (RAF) return, it reported no revenues for the period ending December 31, 1997.
- **12/10/98** - The Division of Administration mailed the 1998 RAF notice. The RAF was due by February 1, 1999.
- **03/17/99** - The Division of Administration mailed a delinquent letter to the company. As of December 2, 1999, the company had not paid the past due amount.

In addition, other correspondence to the company was returned by the United States Postal Service (USPS).

DOCUMENT NUMBER-DATE

15064 DEC-99

FPSC-RECORDS/REPORTING

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission impose a \$500 fine or cancel DebitCom, Inc.'s interexchange telecommunications certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's interexchange telecommunications certificate should be canceled administratively. (Isler)

**STAFF ANALYSIS:** Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of an interexchange telecommunications company's certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

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 penalty and interest charges as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

Staff was notified by the Division of Administration that DebitCom, Inc. had not paid its 1998 regulatory assessment fees, plus statutory penalty and interest charges. Therefore, it appears the company has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and has not requested cancellation of its certificate in compliance with Rule 25-24.474, Florida Administrative Code.

Accordingly, staff recommends that the Commission assess a \$500 fine or cancel DebitCom, Inc.'s certificate if the fine and

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the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's certificate should be canceled administratively.

**ISSUE 2:** Should the Commission impose a \$500 fine or cancel DebitCom, Inc.'s interexchange telecommunications certificate for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.480, F.A.C., Records & Reports; Rules Incorporated, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the company's IXC certificate should be canceled administratively. (Isler)

**STAFF ANALYSIS:** Pursuant to Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. Mail sent to DebitCom, Inc. on two different occasions was returned to the Commission by the USPS stamped "moved, left no address." It has been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information, nor has the company requested cancellation of its certificate in compliance with Rule 25-24.474, Florida Administrative Code.

Accordingly, staff recommends that the Commission assess a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.480, F.A.C., Records & Reports; Rules Incorporated, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, DebitCom, Inc.'s interexchange telecommunications certificate should be canceled administratively.

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**ISSUE 3:** Should this docket be closed?

**RECOMMENDATION:** Yes, this docket should be closed upon receipt of the fines, fees, and required information or cancellation of the certificate, 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. (Stern)

**STAFF ANALYSIS:** Whether staff's recommendation on Issues 1 and 2 are 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, this docket should be closed upon receipt of the fines, fees, and required information or cancellation of the certificate.