



Public Service Commission

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

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

DATE: APRIL 19, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pic*
DIVISION OF LEGAL SERVICES (BANKS) *gwb*

RE: DOCKET NO. 001361-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 7219 ISSUED TO POINTECOM, INCORPORATED FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/01/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001361.RCM

CASE BACKGROUND

- 11/12/99 - This company obtained Florida Public Service Commission Certificate No. 7219.
- 12/08/99 - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) return notice. Payment was due January 31, 2000.
- 02/29/00 - The Division of Administration mailed the delinquent notice for nonpayment of the 1999 RAF.
- 10/27/00 - Staff wrote the company and advised this docket had been established for nonpayment of the 1999 RAF and to contact staff if it was interested in resolving the docket.

DOCUMENT NUMBER-DATE

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REC-SEC-REC-REPORTING

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- 11/14/00 - Mr. Chris Stockhoff, representative of Telecom Compliance Services, consultant to PointeCom, Incorporated, contacted staff and stated that he will pay the past due RAF and propose a settlement.
- 12/12/00 - The Division of Administration mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- 01/25/01 - Ms. Kelli Muhammad of Telecom Compliance Services called staff and asked for the status of this docket. Staff responded by e-mail.
- 01/29/01 - The Commission received the 1999 RAF return, along with payment of the past due amount in full. In addition, the consultant proposed a settlement.
- 02/15/01 - Staff e-mailed Ms. Muhammad and advised that the 2000 RAF would have to be paid before staff could recommend acceptance of the settlement offer.
- 02/19/01 - The Commission received payment of the 2000 RAF. The company reported no revenues for the period ended December 31, 2000.

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 accept the settlement offer proposed by PointeCom, Incorporated to resolve the apparent violation 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 received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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 the Commission Order, Certificate No. 7219 should be cancelled administratively. (Isler)

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

Prior to staff filing its recommendation, the Commission received the company's payment for the 1999 outstanding RAF, including statutory penalty and interest charges, payment of the 2000 RAF, and a letter from the company's consultant, which offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. In addition, the company's consultant included a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. The recommended settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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 the Commission Order, Certificate No. 7219 should be cancelled administratively.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Banks)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.