

State of Florida



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: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *DK*
DIVISION OF LEGAL SERVICES (COX) *MC*

RE: DOCKET NO. 981889-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4855 ISSUED TO AMERICA ONE COMMUNICATIONS, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981889.RCM

CASE BACKGROUND

America One Communications obtained Florida Public Service Commission IXC Certificate No. 4855 on May 13, 1997.

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 15, 1997.

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

DOCUMENT NUMBER-DATE

02734 MAR-30

FPSC-RECORDS/REPORTING

After the docket was opened, Ms. Maureen Harrigan called staff on January 12, 1999, and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. In addition, the company proposed to pay future regulatory assessment fees by the due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by America One Communications 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 offer. 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. (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 1997 regulatory assessment fees, along with statutory penalty and interest charges for the year 1997.

After the docket was opened, Ms. Maureen Harrigan called staff on January 12, 1999, and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. In addition, the company proposed to pay future regulatory assessment fees by the

DOCKET NO. 981889-1
DATE: MARCH 4, 1999

due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A)

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.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$100 contribution, this docket should be closed. (Cox)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.

DOCKET NO. 981889-TI
DATE: MARCH 4, 1999
ATTACHMENT A



2650 Park Tower Drive
3rd Floor
Vienna VA 22180

RECEIVED

FEB 10 1999

CMU

February 9, 1999

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: America One Communications, Inc.
Cancellation of Interexchange Telecommunications
Certificate No. 4855; Docket No. 981889-TI

99 FEB 10 AM 11:00
MAIL ROOM

Dear Ms. Isler,

On January 11, 1999, America One Communications, Inc. ("America One") received notice that our Interexchange Telecommunications Certificate was canceled due to apparent nonpayment of the 1997 Regulatory Assessment Fee. America One has paid the past due amount and late fee to the Florida Public Service Commission (the "Commission") and will continue to pay applicable fees owed to the Commission in a timely manner.

America One respectfully requests that the Commission reinstate our Interexchange Telecommunications Certificate. Per our discussion, America One hereby offers a settlement in the amount of \$100.00 in lieu of forfeiting our certificate.

If you have any questions, or need any further information, please feel free to call me at (703) 208-2936.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Harrigan".

Maureen Harrigan
Legal Assistant