

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 18, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (COX; K. PEÑA) *WJL* *WMP* *ms*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC
CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C.,
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 981760-TI - GEORGIA PUBLIC TELEPHONE COMPANY,
INC.

DOCKET NO. ~~981900-TI~~ - FIBERNET, INC. D/B/A FIBERNET
TELEMANAGEMENT, INC.

AGENDA: 03/30/99 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981760.RCM

CASE BACKGROUND

1) Docket No. 981760-TI - Georgia Public Telephone Company, Inc. obtained Florida Public Service Commission Certificate No. 4400 on March 22, 1996. The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. Staff received the return receipt from the United States Postal Service (USPS) which showed that the RAF notice was signed for and delivered on 12/16/98. 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 years 1996 and 1997.

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FPSC-RECORDS/REPORTING

On March 4, 1999, Mr. Craig Korac, President, called staff 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.

2) Docket No. 981900-TI - Fibernet, Inc., d/b/a Fibernet Telemanagement, Inc. - This company obtained Florida Public Service Commission IXC Certificate No. 5273 on November 22, 1997. The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt, which showed that the RAF notice was signed for and delivered on 01/28/98. 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.

On February 19, 1999, Order No. PSC-99-0329-FOF-TI was issued, and which imposed a \$500 fine and required the company to pay the past due fees and fine by March 19, 1999. After the January 21, 1999 Agenda Conference but prior to the Order being issued, Mr. Eric Chomsky, General Counsel for the company, called staff 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. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offers proposed by each company listed on page 4 to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept each company's settlement offer as listed on page 4. 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

contributions 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 each company listed on page 4 had not submitted the 1997 regulatory assessment fees, along with statutory penalty and interest charges for the year 1997. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Accordingly, staff believes the terms of the settlement agreements as summarized in this recommendation should be accepted. Any contribution should be paid by the companies within five business days from the effective date of the Commission Order. The Commission should forward the contributions 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 these dockets be closed?

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

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contributions, these dockets should be closed. The contributions 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. 981760-1, 981900-TI
DATE: MARCH 18, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>Settlement Amount</u>
981760-TI	Georgia Public Telephone Co.	4400	\$100
981900-TI	Fibernet Telemanagement, Inc.	3273	\$100