

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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MAY 6 AM 11:25
RECORDS AND REPORTING

DATE: MAY 6, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *PK AD*
DIVISION OF LEGAL SERVICES (COX) *WPC MB*

RE: DOCKET NO. 981763-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 4377 ISSUED TO AMERICA'S TELE-NETWORK CORP., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/18/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981763.RCM

CASE BACKGROUND

- 02/03/96 - This company obtained Florida Public Service Commission IXC Certificate No. 4377.
- 12/11/97 - The Division of Administration mailed the 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.
- 03/02/99 - Order No. PSC-99-0429-FOF-TI was issued. The company had until March 23, 1999 to file a protest and until March 30, 1999 to pay the \$500 fine and past due amount.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **03/12/99** - The company paid the 1997 regulatory assessment fee, the statutory penalty and a portion of the interest charges.
- **03/16/99** - Mr. Brian Cute, attorney, called and advised that the company wanted to keep its certificate, would pay the past due amount, and make a settlement offer.
- **03/22/99** - Staff received a letter from Mr. Cute, which proposed a \$100 settlement.
- **04/27/99** - Staff called Mr. Cute concerning the interest balance, and the amount was overnighted on this date.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by America's Tele-Network Corp. 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 ten 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 2, 1999, Order No. PSC-99-0429-FOF-TI was issued, which imposed a \$500 fine and required payment of the fine and past due amount by March 30, 1999. The company's attorney called staff and advised that the company wanted to keep its certificate, had already paid the past due amount, and would make a settlement offer. On March 22, 1999, staff received a letter from the company, which proposed a \$100 settlement.

A review of the Division of Administration's records showed that the company paid the past due amount except for a portion of the statutory interest charge. Staff contacted the company and was told that the amount would be overnighted to the Commission. Staff has confirmed that the company has now paid the 1997 and 1998 regulatory assessment fees, including statutory penalty and interest charges, in full.

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 ten 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. (Cox)

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