

State of Florida



Public Service Commission

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

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RECEIVED-PSC
MAR -3 PM 4:12
RECORDS AND REPORTING

DATE: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *DK*
DIVISION OF LEGAL SERVICES (MCKINNEY) *JCM MCB*

RE: DOCKET NO. 981948-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALEC CERTIFICATE NO. 4434 ISSUED TO TELEPHONE COMPANY OF CENTRAL FLORIDA, 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\981948.RCM

CASE BACKGROUND

Telephone Company of Central Florida, Inc. obtained Florida Public Service Commission ALEC Certificate No. 4434 on June 20, 1996.

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 years 1996 and 1997.

DOCUMENT NUMBER-DATE

02735 MAR-3 99

FPSC-RECORDS/REPORTING

After the docket was opened, Ms. Barbara Greene called staff on January 15, 1999, and advised that the company wanted to keep its certificate. On January 21, staff received a settlement offer from Mr. Elder N. Ripper, President and CEO of Telephone Company of Central Florida. 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. In addition, the company has paid all past due fees. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Telephone Company of Central Florida, Inc. 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 years 1996 and 1997.

After the docket was opened, Ms. Barbara Greene called staff on January 15, 1999, and advised that the company wanted to keep its certificate. On January 21, staff received a settlement offer from Mr. Elder N. Ripper, President and CEO of Telephone Company of Central Florida. The company proposed to pay future regulatory assessment fees by the due date of each year and offered a \$100

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settlement to resolve this case. In addition, the company has paid all past due fees. (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. (McKinney)

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.

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ATTACHMENT A



Telephone Company of Central Florida, Inc.

VIA FEDERAL EXPRESS

January 20, 1999

Mr. Blanca Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0865

DEPOSIT DATE
D066 JAN 21 1999

Re: Telephone Company of Central Florida, Inc. Certificate No. 4434
1996 & 1997 Regulatory Assessment Fees Docket No. 981948-TX

Dear Ms. Bayo:

Per notification by the Florida Public Service Commission of Docket No. 981948-TX, the Telephone Company of Central Florida, Inc. [TCCCF] immediately notified Paula Isler, Research Assistant in this docket for the necessary information to bring Regulatory Assessment Fees current and bring this docket to closure.

Enclosed please find the following:

1. 1996 Alternative Local Exchange Company Regulatory Assessment late payment balance per Telephone Company of Central Florida, Inc. check no. 1035 in the amount of \$19,94. \$16.62 penalty and \$3.32 interest.
2. Completion of the Florida Public Service Commission 1997 Alternative Local Exchange Company Regulatory Assessment Fee Return.
3. Payment of the 1997 Alternative Local Exchange Company Regulatory Assessment Fee per check no. 1034 in the amount of \$5,904.00.
4. The Telephone Company of Central Florida, Inc. regrets oversight of its ALEC Regulatory Assessment Fees and has established the personnel and processing to pay future assessment fees by the due date.
5. Per check no. 1036 in the amount of \$100.00 is TCCCF's settlement fine for its ALEC Regulatory Assessment Fee oversight.

The Telephone Company of Central Florida, Inc. wants to maintain its ALEC Certificate and continue its growth in the local service marketplace. Therefore it seeks relief from the Florida Public Service Commission with closure of Docket 981948-TX.

Please do not hesitate to call me should you have additional questions.

With kind regards,


Elder N. Ripper
President & CEO

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cc: Paula Isler

800-314-8428 Toll Free 407-328-5002 Phone 407-321-1454 Fax
3588 W. Lake Mary Blvd. Suite E Lake Mary, Florida 32748