

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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93 APR - 8 AM 11:31
RECORDS AND REPORTING

DATE: APRIL 8, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Dir RTT*
DIVISION OF LEGAL SERVICES (MCKINNEY) *Jem*

RE: DOCKET NO. 981951-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALEC CERTIFICATE NO. 4763 ISSUED TO SIEMENS BUSINESS COMMUNICATIONS SYSTEMS, INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 04/20/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981951.RCM

CASE BACKGROUND

Siemens Business Communications Systems, Inc. obtained Florida Public Service Commission ALEC Certificate No. 4763 on December 12, 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 16, 1997.

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

DOCUMENT NUMBER-DATE

04537 APR-89

FPSC-RECORDS/REPORTING

After the case was docketed, but prior to a recommendation being filed, Ms. Linda Watkins, a representative of Siemens, called staff and advised the company would pay its past due charges and requested voluntary cancellation of its certificate. The Division of Administration records show that the company has now paid the past due amount in full, including the 1998 regulatory assessment fees. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Siemens Business Communications Systems, Inc. a voluntary cancellation of its ALEC Certificate No. 4763?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its ALEC certificate 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 1997 regulatory assessment fees, along with the 1997 statutory penalty and interest charges.

After the case was docketed, but prior to a recommendation being filed, Ms. Linda Watkins, a representative of Siemens, called staff and advised the company would pay its past due charges and requested voluntary cancellation of its certificate. The Division of Administration records show that the company has now paid the past due amount in full, including the 1998 regulatory assessment fees.

Accordingly, staff believes the company's request for a voluntary cancellation of its pay telephone certificate should be granted with an effective date of December 31, 1998.

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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. (McKinney)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.