

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-

RECORDS AND REPORTING

20 JAN -6 AM 10:20

RECEIVED-FPSC

DATE: JANUARY 6, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pif*
DIVISION OF LEGAL SERVICES (STERN) *HKS* *OWC for DL*

RE: DOCKET NO. 991512-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3492 ISSUED TO GST NET, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 01/18/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991512.RCM

CASE BACKGROUND

- 11/17/93 - This company obtained IXC Certificate No. 3492.
- 12/10/98 - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to February 1, 1999.
- 03/17/99 - The Division of Administration mailed a delinquent letter.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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- **11/08/99** - Ms. Elizabeth Ryherd called staff and advised that the past due amount would be paid and that a settlement offer would be proposed.
- **11/17/99** - The Commission received the company's check for the 1998 RAF, including the statutory penalty and interest charges, settlement proposal and check for \$100 settlement. The company reported \$22,443 revenues for the period ending December 31, 1998.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by GST Net, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. 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: After the docket was opened, but prior to filing a recommendation, on November 8, 1999, Ms. Elizabeth Ryherd called staff and advised the past due amount would be paid and a settlement proposed. On November 17, 1999, the Commission received a check for the 1998 RAF, the penalty and interest charges. In addition, the company paid the \$100 settlement it had offered and proposed to pay future RAFs on a timely basis.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. 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.

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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. (Stern)

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