

Commissioners:  
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J. TERRY DEASON  
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LILA A. JABER



DIVISION OF  
TELECOMMUNICATIONS  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

# Public Service Commission

April 6, 2000

Mr. Ronald J. Mudry, VP & General Manager  
Progress Telecommunications Corporation  
100 Second Avenue, Suite 400 South  
St. Petersburg, FL 3701-4336

**RE: Docket No. 992007-TA**

Dear Mr. Mudry:

This docket was opened because the 1998 regulatory assessment fee (RAF) had not been paid. Our records show that the 1999 RAF was paid on January 31, 2000, but that the 1998 past due charges remain unpaid.

Progress has three options. If the company wishes to keep its certificate active, it should pay the past due amount in full and make a settlement offer (settlement information enclosed). If the company does not wish to keep its certificate active, it should pay the past due amount in full and write a letter to the Commission requesting voluntary cancellation of its certificate (rule enclosed). The final option would be to do nothing. In that case, I would recommend to the Commission that the company be fined or the certificate cancelled.

Please respond in writing by April 20, 2000 and let me know how you wish to proceed. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us).

Sincerely,

Paula J. Isler, Research Assistant  
Bureau of Service Evaluation & Compliance

cc: Docket No. 992007-TA  
Division of Legal Services (K. Peña)

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC   I
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

04341 APR-78

FPSC-RECORDS/REPORTING

## Settlement Proposals

If a company wishes to keep its certificate active, it needs to make a settlement offer to resolve the docket. In other cases dealing with this specific rule violation, the Commission has accepted a \$100 settlement in lieu of the \$500 fine normally imposed. The settlement letter needs to include the following:

- Docket number;
- Enclose a check for all past due amounts;
- Statement that it has taken steps to prevent future late payments of the regulatory assessment fees; and
- Make a specific monetary settlement.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time. It will become due after the Commissioners vote on this issue.

## **25-24.735 Cancellation of a Certificate.**

(1) The Commission may cancel an AAV service provider's certificate for any of the following reasons:

- (a) violation of the terms and conditions under which the authority was originally granted;
- (b) violation of Commission rules or orders;
- (c) violation of Florida statutes; or
- (d) failure to provide service for a period of 6 months.

(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following information with its request:

- (a) the date the final Regulatory Assessment Fee was paid;
- (b) a statement of the reasons for cancellation;
- (c) a statement on the treatment of customer deposits and final bills; and
- (d) a representative copy of a customer notice regarding discontinuance of service.

Specific Authority 350.127(2) FS.  
Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS.  
History--New 1-8-95.

## Alternative Access Vendor Regulatory Assessment Fee Return

**STATUS:**

\_\_\_\_\_ Actual Return  
 \_\_\_\_\_ Estimated Return

### Florida Public Service Commission

(See Filing Instructions on Back of Form)

TA050  
 Progress Telecommunications Corporation  
 100 Second Avenue, Suite 400 South  
 St. Petersburg, FL 33701-4336

**FOR PSC USE ONLY**

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 0603005  
 \_\_\_\_\_ 003001  
 \$ \_\_\_\_\_ P  
 \_\_\_\_\_ 0603005  
 \_\_\_\_\_ 004011  
 \$ \_\_\_\_\_ I

Postmark Date \_\_\_\_\_

Initials of Preparer \_\_\_\_\_

**PERIOD COVERED:**

12/22/98 TO 12/31/98

Please Complete Below if Official Mailing Address Has Changed

\_\_\_\_\_  
(Name of Vendor) (Address) (City/State) (Zip)

LINE NO.	WIDE AREA TOLL SERVICE	GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Special Access Services	\$ _____	\$ _____
2.	Private Line Services	_____	_____
3.	Leased Facilities & Circuits Services	_____	_____
4.	Miscellaneous Services	_____	_____
5.	<b>TOTAL REVENUES For Regulatory Assessment Fee Calculation</b>		\$ _____
6.	Regulatory Assessment Fee Due (Multiply Line 5 by 0.0015)		_____
7.	Penalty for Late Payment		_____
8.	Interest for Late Payment		_____
9.	<b>TOTAL AMOUNT DUE</b>		\$ _____

**AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50**

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

\_\_\_\_\_  
(Name) (Address: City/State/Zip) ( )

\_\_\_\_\_  
(Telephone)

What is the total amount of customer deposits collected? Amount: \$ \_\_\_\_\_ for 19 \_\_\_\_

What is the total amount of bond held (if applicable)? Amount: \$ \_\_\_\_\_ Expires: \_\_\_\_\_

### VENDOR INFORMATION

Do you lease telecommunications' facilities? ( ) YES ( ) NO

If YES, who do you lease these facilities from? Name: \_\_\_\_\_

Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named vendor, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

\_\_\_\_\_  
(Signature of Vendor Official) (Title) (Date)

\_\_\_\_\_  
(Please Print Name)

Telephone Number ( ) \_\_\_\_\_ Fax Number ( ) \_\_\_\_\_

F.E.I. No. \_\_\_\_\_

**FLORIDA PUBLIC SERVICE COMMISSION**  
Instructions For Filing Regulatory Assessment Fee Return  
(Alternative Access Vendor)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND  
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before January 30 for the prior twelve-month period January 1 through December 31.*

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.
3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 7). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 8). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

*When a company fails to file a Regulatory Assessment Fee Return, the Commission may order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.*

4. **EXTENSION:** A company, for good cause shown in a written request, may be granted an extension up to 30 days. A request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/AD-124), two weeks prior to the filing date. If an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or  
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a vendor may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the vendor shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your records, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**ATTENTION: Fiscal Services**

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Auditing and Financial Analysis at (850) 413-6480.

For assistance regarding the leasing of telecommunications facilities, please contact the Division of Communications at (850) 413-6556.

Both divisions may be contacted at the above-referenced address, directing correspondence to the attention of the division.

### Minimum Regulatory Assessment Fee (RAF) Payment

If the company owes the minimum amount due for the 1998 RAF, please pay the following:

<b>Postmark Date</b>	<b>RAF Fee</b>	<b>Penalty</b>	<b>Interest</b>	<b>Total Due</b>
02/99	\$50.00	\$2.50	\$0.50	<b>\$53.00</b>
03/99	\$50.00	\$5.00	\$1.00	<b>\$56.00</b>
04/99	\$50.00	\$7.50	\$1.50	<b>\$59.00</b>
05/99	\$50.00	\$10.00	\$2.00	<b>\$62.00</b>
06/99	\$50.00	\$12.50	\$2.50	<b>\$65.00</b>
07/99	\$50.00	\$12.50	\$3.00	<b>\$65.50</b>
08/99	\$50.00	\$12.50	\$3.50	<b>\$66.00</b>
09/99	\$50.00	\$12.50	\$4.00	<b>\$66.50</b>
10/99	\$50.00	\$12.50	\$4.50	<b>\$67.00</b>
11/99	\$50.00	\$12.50	\$5.00	<b>\$67.50</b>
12/99	\$50.00	\$12.50	\$5.50	<b>\$68.00</b>
01/00	\$50.00	\$12.50	\$6.00	<b>\$68.50</b>
02/00	\$50.00	\$12.50	\$6.50	<b>\$69.00</b>
03/00	\$50.00	\$12.50	\$7.00	<b>\$69.50</b>
04/00	\$50.00	\$12.50	\$7.50	<b>\$70.00</b>
05/00	\$50.00	\$12.50	\$8.00	<b>\$70.50</b>