



Public Service Commission

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RECORDS AND REPORTING

DATE: JUNE 29, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *AJE*
DIVISION OF LEGAL SERVICES (BANKS) *ROB BIL*

RE: DOCKET NO. 000585-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3993 ISSUED TO PANTEL COMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 07/11/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\000585.RCM

CASE BACKGROUND

- **06/13/95** - Pantel Communications, Inc. was granted IXC Certificate No. 3993.
- **12/10/99** - The Commission's 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". The 1999 RAF was due by January 31, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice.

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- **03/27/00** - The Commission received a letter from the company requesting cancellation of its certificate.
- **05/03/00** - Staff wrote the company and explained that Pantel owed a balance on the 1997 RAF and the 1999 fee. In addition, Pantel owed past due statutory penalty and interest charges for the years 1995, 1997, 1998, and 1999.
- **05/15/00** - The Commission received a letter from the company which advised that it had no funds to pay the outstanding balance and to go forward with the involuntary cancellation.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Pantel Communications, Inc.'s request for a voluntary cancellation of IXC Certificate No. 3993?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its IXC certificate. The Commission should cancel the company's IXC Certificate No. 3993 on its own motion, effective on the date of issuance of the Consummating Order. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30, or the next business day, 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.

On March 27, 2000, the Commission received a letter from Pantel advising that it was no longer in business and requested cancellation of its certificate. Staff wrote the company a letter concerning the outstanding RAF balance for 1997 and 1999, plus the statutory penalty and interest balance for the years 1995, 1997, 1998, and 1999. In addition, staff advised that if Pantel wished for a voluntary cancellation of its certificate, it must advise when the 2000 fee would be paid, as required by Rule 25-24.474, F.A.C., Cancellation of a Certificate. The company responded on May 15 and advised it did not have funds to pay the outstanding balance and for staff to go forward with an involuntary cancellation.

Accordingly, the Commission should not grant the company a voluntary cancellation of its IXC certificate. The Commission should cancel the company's IXC Certificate No. 3993 on its own motion, effective on the date of issuance of the Consummating Order.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves or modifies staff's recommendation on Issue 1, this docket should be closed upon receipt of the fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. If the Commission denies staff's recommendation on Issue 1, this docket should be closed administratively. (Banks)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or modified, the result will be a proposed agency action order and this docket should be closed upon receipt of the fees or cancellation of the certificate unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action. If the Commission denies staff's recommendation on Issue 1, this docket should be closed administratively.