

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECEIVED-FPSC
DEC 20 AM 11:15
RECORDS AND REPORTING

DATE: DECEMBER 20, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pxi*
DIVISION OF LEGAL SERVICES (K. PEÑA) *KMP 2.87*

RE: DOCKET NO. 001404-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4849 ISSUED TO TEL-LINK, L.L.C. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES, TELECOMMUNICATIONS COMPANIES.

AGENDA: 01/02/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001404.RCM

CASE BACKGROUND

- **04/15/97** - This company obtained Alternative Local Exchange Telecommunications Certificate No. 4849.
- **12/08/99** - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 01/31/00.
- **02/29/00** - The Division of Administration mailed the Delinquent Notice.
- **11/02/00** - Staff received e-mail from the company's attorney, Mr. Scott Seab, requesting information on how to resolve this docket. Staff responded by e-mail the same date.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 001404-TX
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- **11/14/00** - The Commission received a letter from Mr. Seab which requested cancellation of the company's certificate and paid the 1999 RAF. The company reported revenues in the amount of \$38,888 for the period ended December 31, 1999.
- **11/21/00** - The Commission received a letter from Mr. Seab which advised that the 2000 fee would be paid within 30 days from the date the Order is issued granting the cancellation.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Tel-Link, L.L.C. a voluntary cancellation of its Certificate No. 4849?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 4849 with an effective date of November 14, 2000. (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 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.

After this docket was opened but prior to staff filing a recommendation, the company paid the past due amount in full, advised it would pay the 2000 RAF within 30 days from the date the Commission Order is issued granting the cancellation, and requested voluntary cancellation of its certificate. Tel-Link has complied with the provision of Rule 25-24.820(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its ALEC certificate, by submitting its RAF for the year 1999, and providing notice of payment of its RAF for the year 2000.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 4849 should be granted with an effective date of November 14, 2000.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña)

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