

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

30 MAR -3 PM 4:12

RECEIVED-FPSC

DATE: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *PI*
DIVISION OF LEGAL SERVICES (MCKINNEY) *gem MCB*

RE: DOCKET NO. 981950-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALEC CERTIFICATE NO. 4759 ISSUED TO MAT-TELL COMMUNICATIONS, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981950.RCM

CASE BACKGROUND

Mat-Tell Communications, Inc. obtained Florida Public Service Commission ALEC Certificate No. 4759 on January 29, 1997.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. Staff received the return receipt from the United States Postal Service (USPS) which showed that the RAF notice was signed for and delivered on December 13, 1997.

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

DOCUMENT NUMBER-DATE

02740 MAR-38

FPSC-RECORDS/REPORTING

After the docket was opened, Ms. Xinia Moore called staff on February 16, 1999, and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. In addition, the company proposed to pay future regulatory assessment fees by the due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

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

RECOMMENDATION: Yes. The Commission should accept the company's settlement offer. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. 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: 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 Mat-Tell Communications, Inc. had not submitted the regulatory assessment fees for 1997, along with statutory penalty and interest charges for the year 1997.

After the docket was opened, Ms. Xinia Moore called staff on February 16, 1999, and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. In addition, the company proposed to pay future regulatory assessment fees by the

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due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A)

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. 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.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$100 contribution, this docket should be closed. (McKinney)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.

Mat-Tell Communications Inc.

February 22, 1999

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Fl. 32309-0850

ATTENTION: Fiscal Services

Dear Sirs:

We will like to offer a settlement of \$100 in order to be consider for reinstatement of our certificate #4759.

It is very important for us to keep these certificates alive, even though they have been inactive for the moment; we have try to file in a timely manner all reports, not only with your office but with the rest of the government offices.

Once more please accept our apology for overseeing the minimum annual fee for the certificates and also this letter will serve as a guarantee that this mistake will not happen again.

If there is any further information, do not hesitate to contact us.

Sincerely



Xinia Moore
Executive Management
Authorized Agent

2301 Collins Ave. #M-24 Miami Beach, Florida 33139
Tel. (305) 6318911 ext. 3312 Fax. (305) 6046536

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