

State of Florida



Public Service Commission
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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: MAY 25, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Dij*
DIVISION OF LEGAL SERVICES (FORDHAM) *2.5.4. B/L*

RE: DOCKET NO. 992008-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 2481 ISSUED TO RSL COM U.S.A., INC. D/B/A WESTINGHOUSE COMMUNICATIONS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES AND REQUEST FOR CHANGE IN NAME ON INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4068 FROM RSL COM U.S.A., INC. TO RSL COM U.S.A., INC. D/B/A WESTINGHOUSE COMMUNICATIONS.

AGENDA: 06/06/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\992008.RCM

CASE BACKGROUND

- **10/23/90** - In Docket No. 900549-TI, the Commission granted IXC Certificate No. 2481 to Westinghouse Electric Corporation d/b/a Westinghouse Communications.
- **12/05/98** - In Docket No. 981057-TI, the Commission approved a name change, transfer of assets, and transfer of Certificate No. 2481 from Westinghouse Electric Corp. d/b/a Westinghouse Communications to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications.

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FPSC-RECORDS/REPORTING

- **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.
- **02/01/00** - Mr. David O'Connor, Attorney, called on behalf of the company, to discuss the 1998 RAF, the transfer that occurred in 1998, and the name change on another of the company's certificates.
- **03/09/00** - The Commission received a petition requesting a partial waiver of the RAF rule, voluntary cancellation of Certificate No. 2481 and a name change on Certificate No. 4068 from RSL COM U.S.A., Inc. to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications.
- **03/13/00** - The Notice of Petition for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly. The comment period ended April 14, 2000.
- **05/01/00** - The Commission received a letter from Ms. Karen D. Walker, Holland & Knight LLP, on behalf of the company. The company withdrew its petition for a partial waiver of Rule 25-4.0161, F.A.C., requested voluntary cancellation of Certificate No. 2481, and requested that Certificate No. 4068 be amended to change the name from RSL COM U.S.A., Inc. to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant RSL COM U.S.A., Inc. d/b/a Westinghouse Communications a voluntary cancellation of its Interexchange Telecommunications Certificate No. 2481?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its interexchange telecommunications certificate with an effective date of March 9, 2000. (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.

After the docket was opened, but prior to staff taking a recommendation to the Commission, on March 9, the company filed a petition for a partial waiver of Rule 25-4.0161, F.A.C., requested voluntary cancellation of Certificate No. 2481, and requested a name change on Certificate No. 4068, which is currently in the name of RSL COM U.S.A., Inc. to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications.

On May 1, the company subsequently paid the 1998, 1999, and 2000 regulatory assessment fees, including the statutory penalty and interest charges for 1998 and 1999. In addition, the company withdrew its petition for partial waiver of Rule 25-4.0161, F.A.C. and continued its request for voluntary cancellation of Certificate No. 2481, and name change on Certificate No. 4068, which is currently in the name of RSL COM U.S.A., Inc. to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications.

Accordingly, staff believes the Commission should grant the company a voluntary cancellation of its interexchange telecommunications certificate with an effective date of March 9, 2000.

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ISSUE 2: Should the Commission acknowledge the name change on IXC Certificate No. 4068 from RSL COM U.S.A., Inc. to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications?

RECOMMENDATION: Yes.

STAFF ANALYSIS: The company's original petition received March 9, 2000, stated that it did not need two certificates and requested cancellation of Certificate No. 2481 and a name change on Certificate No. 4068. The company believes that having two IXC certificates created confusion on its part with respect to the regulatory assessment fees. The company advised that there would be no apparent change to its customers, with no change in the operation or control of the company.

Accordingly, staff believes the Commission should acknowledge the name change on IXC Certificate No. 4068 from RSL COM U.S.A., Inc. to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves or modifies staff's recommendation on Issues 1 and 2, this docket should be closed 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 Issues 1 and 2, this docket should be closed administratively. (Fordham)

STAFF ANALYSIS: Whether staff's recommendation on Issues 1 and 2 is approved or modified, the result will be a proposed agency action order and this docket should be closed 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 Issues 1 and 2, this docket should be closed administratively.