

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

**DATE:** NOVEMBER 20, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *AJC*  
DIVISION OF LEGAL SERVICES (BANKS) *FRB dmc*

**RE:** DOCKET NO. 001229-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4000 ISSUED TO CMC TELECOM, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 12/05/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\001229.RCM

CASE BACKGROUND

- **07/04/95** - This company obtained Florida Public Service Commission IXC Certificate No. 4000.
- **07/28/97** - Docket No. 970956-TI was established for nonpayment of the 1996 Regulatory Assessment Fee (RAF). On September 30, 1997, Order No. PSC-97-1140-FOF-TI was issued which imposed a \$500 fine or cancelled the company's certificate. The company paid the 1997 RAF and the \$500 fine and the docket was closed.
- **12/08/99** - The Division of Administration mailed the 1999 RAF notice. The due date was January 31, 2000.

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- **02/01/00** - The company mailed the 1999 RAF return and reported no revenues for the period ended December 31, 1999. The company did not pay the minimum fee.
- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **09/20/00** - Ms. Suzanne Wickett called staff on behalf of CMC Telecom, Inc. and requested information about this docket. Staff was advised that the company would pay the outstanding balance and make a settlement offer.
- **10/27/00** - The Commission received the company's check for the outstanding amount, including statutory penalty and interest charges. In addition, the company proposed a settlement.

The Commission is vested with jurisdiction over this matter through the provision of Section 364.336, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

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

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4000 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After this docket was opened, but prior to staff filing a recommendation, the Commission received the company's payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, and a letter from the company which offered to pay a \$500 contribution. In addition, the company proposed to pay future RAFs on a timely basis. This settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4000 should be canceled administratively.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$500 contribution or cancellation of the certificate. (Banks)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$500 contribution or cancellation of the certificate.