

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 (BAYO)

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Aji*
DIVISION OF LEGAL SERVICES (BANKS) *FRB* *one*

RE: DOCKET NO. 001243-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4401 ISSUED TO AMERICOM TECHNOLOGIES, INC. D/B/A NETWORK UTILIZATION SERVICES 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\001243.RCM

CASE BACKGROUND

- **03/20/96** - This company obtained Florida Public Service Commission IXC Certificate No. 4401.
- **11/30/98** - Docket No. 981765-TI was established for nonpayment of the 1997 Regulatory Assessment Fee (RAF). On May 24, 1999, Order No. PSC-99-1061-AS-TI was issued which accepted the company's offer to pay a \$100 settlement and proposal to pay future RAFs on a timely basis. The Commission received the company's settlement payment 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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- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **09/01/00** - Ms. Michelle Post, President, called staff and requested information about this docket. Staff was advised that the company would pay the outstanding balance and make a settlement offer.
- **09/14/00** - The Commission received the company's check for the outstanding amount, including statutory penalty and interest charges. The company reported revenues in the amount of \$9,824.21 for the period ended December 31, 1999. In addition, the company proposed a settlement.
- **09/26/00** - Staff contacted the company and explained that the contribution amount was not in line with other Commission decisions for the same rule violation. The company advised that it would amend its settlement offer.
- **10/12/00** - The Commission received the company's amended settlement proposal.

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 modified settlement offer proposed by Americom Technologies, Inc. d/b/a Network Utilization Services 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 modified 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. 4401 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 a settlement. The company subsequently modified its settlement 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 modified 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. 4401 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.