

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF AMERICAN
TELECOMMUNICATIONS ENTERPRISE,
INC.'S FAILURE TO REMIT THE
COMMISSION'S 2002 REGULATORY FEE
PURSUANT TO *IDAHO CODE* §§ 61-1001 AND
62-611.**

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) **CASE NO. GNR-U-03-3**
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**IN THE MATTER OF ARRIVAL
COMMUNICATIONS, INC.'S FAILURE TO
REMIT THE COMMISSION'S 2002
REGULATORY FEE PURSUANT TO *IDAHO*
CODE §§ 61-1001 AND 62-611.**

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) **ORDER TO SHOW CAUSE**
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**IN THE MATTER OF COLORADO RIVER
COMMUNICATIONS CORP.'S FAILURE TO
REMIT THE COMMISSION'S 2002
REGULATORY FEE PURSUANT TO *IDAHO*
CODE §§ 61-1001 AND 62-611.**

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) **NOTICE OF HEARING**
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**IN THE MATTER OF COMPLUS, L.L.C.'S
FAILURE TO REMIT THE COMMISSION'S
2002 REGULATORY FEE PURSUANT TO
IDAHO CODE §§ 61-1001 AND 62-611.**

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) **ORDER NO. 29185**
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**IN THE MATTER OF CORRECTIONAL
COMMUNICATIONS SYSTEMS OF IDAHO,
L.L.C.'S FAILURE TO REMIT THE
COMMISSION'S 2002 REGULATORY FEE
PURSUANT TO *IDAHO CODE* §§ 61-1001 AND
62-611.**

**IN THE MATTER OF CYBERSENTRY, INC.'S
FAILURE TO REMIT THE COMMISSION'S
2002 REGULATORY FEE PURSUANT TO
IDAHO CODE §§ 61-1001 AND 62-611.**

**IN THE MATTER OF FAXNET
CORPORATION'S FAILURE TO REMIT THE
COMMISSION'S 2002 REGULATORY FEE
PURSUANT TO *IDAHO CODE* §§ 61-1001 AND
62-611.**

ORDER TO SHOW CAUSE
ORDER NO. 29185

IN THE MATTER OF FEDERAL TRANSTEL,
INC.'S FAILURE TO REMIT THE
COMMISSION'S 2002 REGULATORY FEE
PURSUANT TO *IDAHO CODE* §§ 61-1001 AND
62-611.

IN THE MATTER OF GF ENTERPRISES'
FAILURE TO REMIT THE COMMISSION'S
2002 REGULATORY FEE PURSUANT TO
IDAHO CODE §§ 61-1001 AND 62-611.

IN THE MATTER OF RUTH & TARA
MILLWARD'S FAILURE TO REMIT THE
COMMISSION'S 2002 REGULATORY FEE
PURSUANT TO *IDAHO CODE* §§ 61-1001 AND
62-611.

IN THE MATTER OF MIRACLE
COMMUNICATIONS, INC.'S FAILURE TO
REMIT THE COMMISSION'S 2002
REGULATORY FEE PURSUANT TO *IDAHO
CODE* §§ 61-1001 AND 62-611.

IN THE MATTER OF NEXSTAR
COMMUNICATIONS INC.'S FAILURE TO
REMIT THE COMMISSION'S 2002
REGULATORY FEE PURSUANT TO *IDAHO
CODE* §§ 61-1001 AND 62-611.

IN THE MATTER OF NOR
COMMUNICATIONS, INC.'S FAILURE TO
REMIT THE COMMISSION'S 2002
REGULATORY FEE PURSUANT TO *IDAHO
CODE* §§ 61-1001 AND 62-611.

IN THE MATTER OF OVERLOOK
COMMUNICATIONS INTERNATIONAL
CORPORATION'S FAILURE TO REMIT THE
COMMISSION'S 2002 REGULATORY FEE
PURSUANT TO *IDAHO CODE* §§ 61-1001 AND
62-611.

IN THE MATTER OF PTT TELEKOM, INC.'S)
FAILURE TO REMIT THE COMMISSION'S)
2002 REGULATORY FEE PURSUANT TO)
IDAHO CODE §§ 61-1001 AND 62-611.)
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IN THE MATTER OF QUEST)
TELECOMMUNICATIONS, INC.'S FAILURE)
TO REMIT THE COMMISSION'S 2002)
REGULATORY FEE PURSUANT TO IDAHO)
CODE §§ 61-1001 AND 62-611.)
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IN THE MATTER OF SMITTY'S PUB'S)
FAILURE TO REMIT THE COMMISSION'S)
2002 REGULATORY FEE PURSUANT TO)
IDAHO CODE §§ 61-1001 AND 62-611.)
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IN THE MATTER OF TELCOM NETWORK)
INC.'S FAILURE TO REMIT THE)
COMMISSION'S 2002 REGULATORY FEE)
PURSUANT TO IDAHO CODE §§ 61-1001 AND)
62-611.)
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IN THE MATTER OF TELEHUB NETWORK)
SERVICES CORPORATION'S FAILURE TO)
REMIT THE COMMISSION'S 2002)
REGULATORY FEE PURSUANT TO IDAHO)
CODE §§ 61-1001 AND 62-611.)
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IN THE MATTER OF TELTRUST)
COMMUNICATIONS SERVICES, INC.'S)
FAILURE TO REMIT THE COMMISSION'S)
2002 REGULATORY FEE PURSUANT TO)
IDAHO CODE §§ 61-1001 AND 62-611.)
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IN THE MATTER OF TOUCHTONE)
NETWORK, INC.'S FAILURE TO REMIT THE)
COMMISSION'S 2002 REGULATORY FEE)
PURSUANT TO IDAHO CODE §§ 61-1001 AND)
62-611.)
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IN THE MATTER OF USA TELE CORP.'S)
FAILURE TO REMIT THE COMMISSION'S)
2002 REGULATORY FEE PURSUANT TO)
IDAHO CODE §§ 61-1001 AND 62-611.)
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**IN THE MATTER OF USBG, INC.'S FAILURE)
TO REMIT THE COMMISSION'S 2002)
REGULATORY FEE PURSUANT TO IDAHO)
CODE §§ 61-1001 AND 62-611.)**

**IN THE MATTER OF VISTA GROUP)
INTERNATIONAL, INC.'S FAILURE TO)
REMIT THE COMMISSION'S 2002)
REGULATORY FEE PURSUANT TO IDAHO)
CODE §§ 61-1001 AND 62-611.)**

**IN THE MATTER OF WEST END)
COMMUNICATIONS INC.'S FAILURE TO)
REMIT THE COMMISSION'S 2002)
REGULATORY FEE PURSUANT TO IDAHO)
CODE §§ 61-1001 AND 62-611.)**

**IN THE MATTER OF WESTERN STATE PAY)
PHONES' FAILURE TO REMIT THE)
COMMISSION'S 2002 REGULATORY FEE)
PURSUANT TO IDAHO CODE §§ 61-1001 AND)
62-611.)**

THE COMMISSION'S REGULATORY FEE

Idaho Code §§ 61-1001 and 62-611 provide that each public utility subject to the Commission's Title 61 or Title 62 jurisdiction shall pay to the Commission a special regulatory fee "to defray the amount to be expended by the Commission for expenses in supervising and regulating" the public utilities. On or before April 1 of each year, public utilities are required to report their gross operating revenues from intrastate business in Idaho for the preceding calendar year. *Idaho Code* § 61-1003. Based upon all the utilities' gross intrastate revenues and the Commission's annual appropriation by the Legislature, the Commission calculates the proportional assessment to be paid by each utility. Thereafter, each utility shall pay its regulatory assessment to the Commission in two equal semi-annual installments on or before May 15 and November 15 of each year.¹ *Idaho Code* § 61-1005. The minimum annual fee is \$50. *Idaho Code* § 61-1004(3).

¹ Of course, utilities may also pay their entire annual assessments by May 15.

The Commission is empowered to take actions to compel payment of the fee. "Upon failure, refusal or neglect of any public utility or railroad corporation to pay such fee the attorney general shall commence an action in the name of the state to collect the same." *Id.* This section further provides that installments not paid in a timely fashion shall bear interest at the rate of six percent (6%) until such time as the full amount of the installment shall be paid.

STAFF CHARGES

The Commission Staff has advised the Commission that American Telecommunications Enterprise, Inc.; Arrival Communications, Inc.; Colorado River Communications Corp.; Complus L.L.C.; Correctional Communications Systems of Idaho, L.L.C.; Cybersentry, Inc.; Faxnet Corporation; Federal Transtel, Inc.; GF Enterprises, Miracle Communications, Inc.; Nexstar Communications Inc.; NOR Communications, Inc.; Overlook Communications International Corporation; PTT Telekom, Inc.; Quest Telecommunications, Inc.; Ruth & Tara Millward; Smitty's Pub; Telcom Network Inc.; Telehub Network Services Corporation; Teltrust Communications Services, Inc.; Touchtone Network, Inc.; USA Tele Corp.; USBG, Inc.; Vista Group International, Inc.; West End Communications Inc.; and Western State Pay Phones ("the Companies") have not paid their respective \$50.00 regulatory fees for 2002.² Staff asserts that the Companies are telecommunications corporations subject to the Commission's jurisdiction under Chapter 6, Title 62, Idaho Code. *Idaho Code* § 62-611 provides that telephone corporations subject to the Commission's Title 62 jurisdiction shall pay to the Commission a special regulatory fee as determined by the Commission pursuant to Chapter 10, Title 61, Idaho Code.

The Staff asserts that it had forwarded to each of the Companies a statement of its 2002 annual regulatory fee on April 22, 2002, due and payable on May 15, 2002. A subsequent collection letter was sent on October 1, 2002. The Staff also alleges that these Companies failed to remit the second half of their regulatory fees by November 15, 2002. *Idaho Code* § 61-1005. Staff calculates that as of January 15, 2003, the total amount owed by each Company (including interest) is currently \$51.01 for 2002 fees.

Staff further asserts that the Companies failed to respond to the directive to report their intrastate gross operating revenues for the proceeding calendar year 2001. On February 8, 2002, the

² *Idaho Code* § 61-1004(3) sets the minimum annual fee at \$50.00.

Staff sent a letter to all utilities directing them to report their 2001 gross operating revenues no later than April 1, 2002. *Idaho Code* § 61-1003. The letter was mailed to the designated person to receive summonses and complaints. IDAPA 31.01.01.016.02.

The Staff further asserts that it sent the request to report intrastate gross revenues, the regulatory fee statement, and the collection letters to the Companies' addresses on file with the Commission Secretary by first class mail. The Commission's Procedural Rule 16.02 requires that all utilities designate a person for service of summonses and complaints with the Commission Secretary. IDAPA 31.01.01.016.02.

Staff maintains that some or all of its correspondence with these companies (i.e., the request to report intrastate gross revenues, the regulatory fee statement, and the collection letters) was returned as "undeliverable." These companies have not advised the Commission Secretary of another designee to receive the Commission's summonses and complaints.

ORDER TO SHOW CAUSE

Based upon the Staff's representations, the Commission finds that there is probable cause to believe that the Companies have failed, refused, or neglected to pay their 2002 regulatory fee due and payable in semi-annual installments on May 15, 2002 and November 15, 2002. The Commission further finds that there is probable cause to suspect these companies have failed to report their 2001 intrastate operating revenues as required by *Idaho Code* § 61-1003.

IT IS HEREBY ORDERED that the Companies show cause why the Commission should not formally find that the utilities have failed to pay their 2002 regulatory fees plus interest and failed to report their gross intrastate operating revenues for 2001. The Companies shall appear before the Commission's hearing examiner **AT 9:30 A.M. ON WEDNESDAY, FEBRUARY 26, 2003, IN THE COMMISSION'S HEARING ROOM LOCATED AT 472 WEST WASHINGTON STREET, BOISE, IDAHO.**

IT IS FURTHER ORDERED that the Companies appear at the time and place above to show cause why the Commission should not: 1) ask the Attorney General to seek a civil penalty of \$2,000 per day for each day after May 15, 2001 that the utility has failed to pay its regulatory fee; 2) order the Company to cease conducting business in Idaho; 3) order Idaho local exchange companies to deny or prohibit interconnection or the carriage of telecommunications traffic until such time as

the delinquent regulatory fees have been paid; 4) order that the Companies' Certificates be cancelled³ (if applicable); and/or (5) direct that the Companies' price lists or tariffs be removed from the Commission's files.

IT IS FURTHER ORDERED that all hearings and prehearing conferences in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act. Persons needing the help of a sign language interpreter or other assistance of the kind that the Commission is obligated to provide under the Americans with Disabilities Act in order to participate in or to understand the testimony and argument at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0338 (Telephone)
(208) 334-3762 (FAX)
E-Mail: secretary@puc.state.id.us

IT IS FURTHER ORDERED that all proceedings in this matter will be conducted pursuant to *Idaho Code* § 62-619 and the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

IT IS FURTHER ORDERED that the Commission Secretary serve this Order to Show Cause by Certified Mail (return receipt requested) upon the person designated to receive Notices of Summonses and Complaints (IDAPA 31.01.01.016) and upon the person designated by the utility to receive legal service in Idaho.

³ As part of its Title 62 registration process the Commission issued a "Certificate" to some or all of these Companies. As the Commission explained in Procedural Order No. 26665, this process was an administrative mechanism for registering these companies.

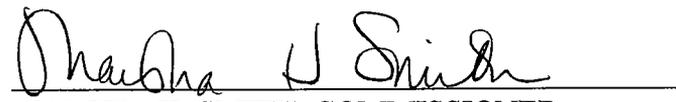
ORDER

IT IS HEREBY ORDERED that the Companies are ordered to appear and show cause as set out in the body of this Order.

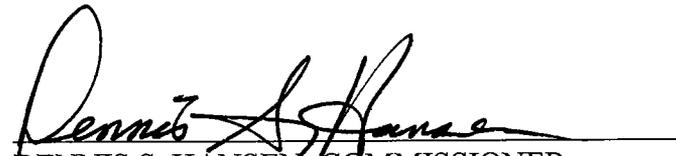
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 24th day of January 2003.



PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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