

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of STS  
Certificate No. 3574, issued to Bayfront Health  
System, Inc., for apparent first-time violation  
of Rule 25-4.0161, F.A.C., Regulatory  
Assessment Fees; Telecommunications  
Companies.

DOCKET NO. 20210094-TS  
ORDER NO. PSC-2021-0161-PAA-TS  
ISSUED: May 12, 2021

NOTICE OF PROPOSED AGENCY ACTION ORDER  
IMPOSING PENALTIES AND COLLECTIONS COSTS, AND REQUIRING  
PAYMENT OF DELINQUENT REGULATORY ASSESSMENT FEES AND ANY  
ACCRUED STATUTORY LATE PAYMENT CHARGES, OR CANCELLING  
SHARED TENANT SERVICE CERTIFICATE FOR VIOLATION OF  
RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

Pursuant to Rule 25-4.0161(11)-(12), F.A.C., telecommunications companies that fail to pay the Regulatory Assessment Fee (RAF), along with any accrued statutory late payment charges, within 20 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense.<sup>1</sup> If an entity fails to pay the penalty amount and the RAF in full, along with any accrued statutory late payment charges, that entity's local exchange certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes (F.S.), certificate holders must pay a minimum annual RAF if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(3), F.A.C., the appropriate RAF return form and applicable fees are due to this Commission by January 30th of the subsequent year. Pursuant to Section 350.113(4), F.S., the RAF return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due.

Our Division of Administrative and Information Technology Services advised that Bayfront Health System, Inc.'s (Bayfront or Company) failed to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C. Bayfront has not paid the 2020 RAF, the accrued statutory late payment charges, or the \$500 penalty.

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<sup>1</sup> The penalty amounts include collection costs.

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>	<u>DOCKET NO.</u>
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Accordingly, we hereby find it appropriate to cancel Bayfront shared tenant service certificate for failure to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C., unless such entity pays a \$500 penalty and remits any past due RAF, along with any accrued statutory late payment charges, to this Commission, prior to our issuing a consummating order for this Proposed Agency Action Order (Order).

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, and 364.285, F.S.

If this Order is protested by Bayfront, the certificate shall not be cancelled pending the outcome of the protest. If Bayfront pays the \$500 penalty and remits any past due RAF, along with any accrued statutory late payment charges, prior to our issuing an order consummating this Order, then the respective certificate will remain active.

If Bayfront (1) fails to protest this Order and (2) fails to pay the \$500 penalty or fails to remit any past due RAF, along with any accrued statutory late payment charges, prior to our issuing an order consummating this Order, then the certificate shall be cancelled administratively, and the collection of any past due RAF shall be referred to the Florida Department of Financial Services for further collection efforts.

If Bayfront's certificate is cancelled in accordance with this Order, the Company shall immediately cease and desist providing local exchange service in Florida.

This docket shall be closed administratively either upon receipt of the payment of the \$500 penalty and any past due RAF, along with any accrued statutory late payment charges from the Company, or upon cancellation of the Company's certificate.

If Bayfront's certificate is cancelled in accordance with this Order and it subsequently decides to reapply as a telecommunications provider, the Company shall be required to first pay the \$500 penalty and any past due RAF, along with any accrued statutory late payment charges.

Based on the foregoing, it is

**ORDERED** by the Florida Public Service Commission that, by the end of the protest period listed in this Order, Bayfront shall pay a \$500 penalty and any past due RAF, along with any accrued statutory late payment charges, to the Florida Public Service Commission for failure to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C. It is further

**ORDERED** that the cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty. These collection costs will be deposited, along with the

past due RAF, in the Florida Public Service Commission Regulatory Trust Fund, pursuant to Section 350.113, F.S. The accrued statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), F.S. It is further

ORDERED that should Bayfront Health System, Inc. fail to comply with this Order, their certificate shall be cancelled. It is further

ORDERED that the cancellation of Bayfront Health System, Inc. certificate in no way diminishes the Company's obligation to pay the \$500 penalty, the applicable delinquent RAF, and any accrued statutory late payment charges. It is further

ORDERED that if Bayfront Health System, Inc. has its certificate cancelled, and subsequently decides to reapply for certification as a telecommunications services provider, they shall be required to first pay the \$500 penalty and any past due RAF, along with any accrued statutory late payment charges. It is further

ORDERED that if Bayfront Health System, Inc. fails to pay its outstanding RAF in full, along with any accrued statutory late payment charges, penalties and costs of collection shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if Bayfront Health System, Inc.'s certificate is cancelled in accordance with this Order, that Bayfront Health System, Inc. shall immediately cease and desist providing local exchange telecommunications service in Florida. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a consummating order unless an appropriate petition, in the form provided by Rule 28-106.201, F.A.C., is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed upon receipt of the imposed \$500 penalty and any past due RAF, along with any accrued statutory late payment charges, from the respective entity or upon cancellation of that entity's certificate.

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By ORDER of the Florida Public Service Commission this 12th day of May, 2021.



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ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

GAP

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 2, 2021.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.