

Talbott *WMB*
Vandiver *R*

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

September 4, 1996

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *BH*
DIVISION OF LEGAL SERVICES (BROWN) *MB*

RE: DOCKET NOS. 960942-TC, 960943-TC, 960944-TC, 960945-TC,
960946-TC, 960947-TC, 960948-TC, and 960949-TC -
CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION FOR
VIOLATION OF RULE 25-4.0161(2), F.A.C., REGULATORY
ASSESSMENT FEES.

AGENDA: SEPTEMBER 16, 1996 - REGULAR AGENDA - PROPOSED AGENCY
ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\960942.RCM

CASE BACKGROUND

- Pursuant to Rule 25-4.0161(2), Regulatory Assessment Fees; Pay Telephone Providers, Florida Administrative Code, in June and December each year, regulatory assessment fee forms are mailed by the Bureau of Fiscal Services to all certified pay telephone providers in Florida. The June mailing is to cover the fiscal period from January 1 to June 30 and due by July 30 of that year (example: 1/01/95 to 6/30/95 due by 7/30/95.) The December mailing is to cover the fiscal period July 1 to December 31, and is due by January 30 of the next year (example: 7/01/95 to 12/31/95 due by 1/30/96.)
- Delinquent notices are also mailed to those providers whose forms are not received by the dates referenced in the above rule.

DOCUMENT NUMBER-DATE

09351 SEP-4 96

FPSC-RECORDS/REPORTING

DOCKET NOS. 960942-TC, 960943-TC, 960944-TC, 960945-TC, 960946-TC,
960947-TC, 960948-TC and 960949-TC
DATE: September 5, 1996

DISCUSSION OF ISSUES

ISSUE 1: Should the pay telephone providers referenced on page 5 have their pay telephone certificates cancelled by the Florida Public Service Commission for violation of Rule 25-4.0161(2), Florida Administrative Code, Regulatory Assessment Fees, if they fail to pay a \$250 fine and past due regulatory assessment fees?

RECOMMENDATION: Yes. Staff recommends that the providers referenced on page 5 have their certificates cancelled if they fail to pay a \$250 fine and past due regulatory assessment fees within 30 days after the Order becomes final. The fines are to be paid to the Florida Public Service Commission and forwarded to be paid to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to 364.285(1), Florida Statutes.

STAFF ANALYSIS: The companies referenced on page 5 are certificated by this Commission to provide pay telephone service in Florida; therefore, they are subject to the rules and regulations of this Commission.

Rule 25-4.0161(2), Regulatory Assessment Fees;
Pay Telephone Companies, Florida
Administrative Code, states in pertinent part:

(2) Regulatory assessment fees and the applicable regulatory assessment fee return form are due each January 30 for the preceding period or any part of the period from July 1 to December 31, and on July 30 for the preceding period or any part of the period from January 1 until June 30... Each company shall have up to and including the due date in which to submit the applicable form and:

- (a) Remit the total amount of its fee, or
- (b) Remit an amount which the company estimates is its full fee, or
- (c) Seek and receive from the Commission a 30 day extension of its due date.

DOCKET NOS. 960942-TC, 960943-TC, 960944-TC, 960945-TC, 960946-TC,
960947-TC, 960948-TC and 960949-TC
DATE: September 5, 1996

The regulatory assessment fees due have not been remitted by any of the companies referenced on page 5 based on information provided by the Bureau of Fiscal Services. Further the companies referenced on page 5 have not requested an extension of time in order to comply with the Rule.

Staff believes these companies were given every opportunity to comply with Rule 25-4.0161(2), Regulatory Assessment Fees; Pay Telephone Companies, Florida Administrative Code. The Bureau of Fiscal Services not only mails the appropriate forms bi-annually, but they also mail a delinquent notice. However, a provider that does not receive the form is still responsible for remitting the appropriate fees. Each company seeking certification acknowledges that it understands the rules.

Therefore, since it appears that each company referenced on page 5 has violated Rule 25-4.0161(2), Regulatory Assessment Fees; Pay Telephone Companies, Florida Administrative Code, staff recommends that each company's certificate be cancelled pursuant to Rule 25-24.514(1), Cancellation of Certificate, Florida Administrative Code, which states in pertinent part:

(1) The Commission may cancel a company's certificate for any of the following reasons:

(a) Violation of the terms and conditions under which the authority was originally granted.

(b) Violation of Commission Rules or orders;

(c) Violation of Florida Statutes; or

(d) Failure to provide service for a period of six (6) months,

unless they pay a \$250 fine and all past due regulatory assessment fees within 30 days after the Order becomes final.

DOCKET NOS. 960942-TC, 960943-TC, 960944-TC, 960945-TC, 960946-TC,
960947-TC, 960948-TC and 960949-TC
DATE: September 5, 1996

ISSUE 2: Should these docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the provider will have 30 days from the date the Order becomes final to pay a \$250 fine and all past due regulatory assessment fees or their certificate will be cancelled without further Commission action and the dockets should be closed. If any of these certificates are cancelled, #3765, 3645, 4122, 2638, 1824, 3763, 3883 and 3308.

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then the providers, referenced on page 5 will have 30 days from the date the Order becomes final to pay a \$250 fine and past due regulatory assessment fees or their certificate will be cancelled without further Commission action. If no protest is filed in this docket, the docket should be closed after the conclusion of the 30 day period. A protest in one docket should not prevent the action in a separate docket from becoming final. If the Commission denied staff on Issue 1, these dockets should be closed.

DOCKET NOS. 960942-TC, 960943-TC, 960944-TC, 960945-TC, 960946-TC,
960947-TC, 960948-TC and 960949-TC
DATE: September 4, 1996

COMPANIES WHO FAILED TO REMIT 1995 REGULATORY ASSESSMENT FEES

1. TELEPHONE COMPANY OF NORTH AMERICA	CERTIFICATE NO. 3765
2. ROBERTA & JOHN (JACK) ROCHE	CERTIFICATE NO. 3645
3. GREGORY J. BOONE	CERTIFICATE NO. 4122
4. CHUCK GILBERT	CERTIFICATE NO. 2638
5. GAFINOL, INC.	CERTIFICATE NO. 1824
6. CHERI TENNEY	CERTIFICATE NO. 3763
7. TELECOMMUNICATIONS OF AMERICA, INC.	CERTIFICATE NO. 3883
8. EAGLE PAY TEL	CERTIFICATE NO. 3308