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FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

September 26, 1996

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *ASH*
DIVISION OF LEGAL SERVICES (LUGO) *scj/MB*

RE: DOCKET NO. 961017-TC - QUARTER TIME COMMUNICATIONS, INC.
- CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF
PAY TELEPHONE CERTIFICATE NO. #3293 FOR VIOLATION OF RULE
25-4.0161(2), FLORIDA ADMINISTRATIVE CODE, REGULATORY
ASSESSMENT FEES.

AGENDA: October 8, 1996 - REGULAR AGENDA - PROPOSED AGENCY
ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961017.RCM

CASE BACKGROUND

- . The regulatory assessment fees for 1995 have not been remitted by QUARTER TIME COMMUNICATIONS, INC. #3293.
- . The Bureau of Fiscal Services mailed the appropriate forms and a delinquent notice to the above company and received no response.
- . The Division of Communications mailed a certified letter and received the return receipt card signed; however, no fees have been submitted.

DOCUMENT NUMBER-DATE

10354 SEP 26 96

FPSC-RECORDS/REPORTING

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- . The company owed less than \$10,000 for the preceding year, therefore, pursuant to Rule 24-4.0161(2), telecommunications companies that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar year shall pay the fee and remit the appropriate form once a year. The regulatory assessment fee and appropriate form shall be filed no later than January 30 of the subsequent year for the current calendar year operations.

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DISCUSSION OF ISSUES

ISSUE 1: Should QUARTER TIME COMMUNICATIONS, INC. have its pay telephone certificate cancelled by the Florida Public Service Commission for violation of Rule 25-4.0161(2), Florida Administrative Code, Regulatory Assessment Fees, if it fails to pay a \$250 fine and past due regulatory assessment fees?

RECOMMENDATION: Yes. Staff recommends that QUARTER TIME COMMUNICATIONS, INC. should have its certificate cancelled if it fails to pay a \$250 fine and past due regulatory assessment fees within 30 days after the Order becomes final. The fine is to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to 364.285(1), Florida Statutes.

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

- (2) Regulatory assessment fees and the applicable regulatory assessment fee return form for companies whose gross regulatory assessment fees of \$10,000 or more shall be filed twice a year. Companies whose gross regulatory assessment fees are less than \$10,000 shall file the appropriate form once a year; no later than January 30 of the subsequent year, 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.

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The regulatory assessment fees due have not been remitted by **QUARTER TIME COMMUNICATIONS, INC.** based on information provided by the Bureau of Fiscal Services. Furthermore, the company has not requested an extension of time in order to comply with the Rule.

Therefore, since it appears that **QUARTER TIME COMMUNICATIONS, INC.** has violated Rule 25-4.0161(2), Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, staff recommends that the company's certificate be cancelled pursuant to Rule 25-24.514(1), Florida Administrative Code, Cancellation of Certificate. The rule states in pertinent part that:

- (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 the Commission rules or orders;
 - (c) Violation of Florida Statutes; or,
 - (d) Failure to provide service for a period of six (6) months.

Staff believes that **QUARTER TIME COMMUNICATIONS, INC.** was given ample opportunity to comply with Rule 25-4.0161(2), Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The Bureau of Fiscal Services not only mails the appropriate forms annually, but they also mail a delinquent notice. The Division of Communications mailed a certified letter and received the return receipt card signed, however, no fees have been submitted. 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 at the time it applies by signing an acknowledgement card.

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ISSUE 2 : Should this 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 certificate no. 3293 is cancelled, the serving local exchange company shall be directed to discontinue service to all pay telephones operated by that company.

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then **QUARTER TIME COMMUNICATIONS, INC.** will have 30 days from the date the Order becomes final to pay a \$250 fine and past due regulatory assessment fees or its certificate will be cancelled without further Commission action. If no protest is filed, the docket should be closed after the conclusion of the 30 day period. If the Commission denied staff on Issue 1, this docket should be closed.