



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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DATE: MARCH 22, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PK*
DIVISION OF LEGAL SERVICES (BANKS) *PKB* *DL*

RE: DOCKET NO. 001296-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 3123 ISSUED TO EVERCOM SYSTEMS, INC. D/B/A CORRECTIONAL BILLING SERVICES FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 04/03/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001296.RCM

CASE BACKGROUND

- **09/15/98** - This company obtained Florida Public Service Commission Certificate No. 3123.
- **12/08/99** - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) notice. The due date was January 31, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **09/14/00** - Ms. Pam Keillor, called on behalf of Mr. Patrick Wiggins, Attorney for Evercom Systems, Inc. d/b/a Correctional Billing Services, and advised that the company wished to resolve this docket.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **12/12/00** - The Division of Administration mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- **12/28/00** - Ms. Amy Sudduth called on behalf of the company and stated that the company would resolve this docket.
- **01/10/01** - The Commission received the company's proposed settlement, including its check for the \$100 proposed amount.
- **01/23/01** - Staff wrote the company and explained that staff could not recommend acceptance of the company's settlement without payment of the 1999 and 2000 RAFs, including statutory penalty and interest charges.
- **01/26/01** - The Commission received the company's check for the 1999 RAF, including penalty and interest charges. The company reported no revenues for the period ended December 31, 1999. In addition, the Commission received the company's amended settlement proposal.
- **01/30/01** - The Commission received the company's check for the 2000 RAF, including penalty and interest charges. The company reported no revenues for the period ended December 31, 2000.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Evercom Systems, Inc. d/b/a Correctional Billing 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 settlement proposal. The Commission should forward the contribution to the Office of the Comptroller for deposit in the

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State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

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 to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. The company's proposal included a check for the \$100 proposed amount. The company subsequently modified its settlement proposal, which included a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. In addition, the company paid the 2000 RAF, including statutory penalty and interest charges. The recommended settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. 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.

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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. (Banks)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.