

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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**DATE:** JUNE 28, 2001

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *PIV*  
DIVISION OF LEGAL SERVICES (ELLIOTT) *DR*

**RE:** DOCKET NO. 010462-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4327 ISSUED TO EDWARD D. PACETTI FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 010497-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5140 ISSUED TO JOSEPH E. BROWDER AND GARY D. CARLSON FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 07/10/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\010462.RCM

CASE BACKGROUND

The companies listed on page 4 were mailed the 2000 Regulatory Assessment Fee (RAF) Notice and payment was due by January 30, 2001. On February 21, 2001, the Division of Administration mailed a delinquent notice for the 2000 RAF.

After the dockets were opened, staff wrote each of the companies listed on page 4 and explained that a docket had been established and to contact staff if the companies were interested in resolving the dockets. The companies listed on page 4 paid the

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past due amounts, including statutory penalty and interest charges, paid the 2001 RAF, and requested voluntary cancellation.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant the companies listed on page 4 a voluntary cancellation of their respective certificates?

**RECOMMENDATION:** Yes. The Commission should grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on page 4. (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.

The Division of Administration notified staff that each company listed on page 4 had not submitted the 2000 regulatory assessment fees, along with statutory penalty and interest charges, for the year 2000. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

On April 17 and April 18, 2001, staff wrote each of the companies listed on page 4 and explained that a docket had been established. Staff advised the companies to contact staff if they were interested in resolving the dockets. Each company listed on page 4 contacted staff, paid the past due amount in full, including statutory penalty and interest charges, paid the 2001 RAF, and requested voluntary cancellation of their respective certificates in compliance with Rule 25-24.514(2)(a) and (b), Florida Administrative Code.

Accordingly, staff believes the companies' request for a voluntary cancellation of their respective telecommunications certificate should be granted with an effective date as listed on page 4.

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1, these dockets should be closed. (Elliott)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and these dockets should be closed.

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<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES &amp; PERIOD COVERED</u>	<u>CERT.</u> <u>NO.</u>	<u>Effective Date of Cancellation</u>
010462-TC	Edward D. Pacetti \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	4327	05/15/01
010497-TC	Joseph E. Browder and Gary D. Carlson \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	5140	05/04/01