

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

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RECEIVED - FPSC

DATE: NOVEMBER 19, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PIJ SW*
DIVISION OF LEGAL SERVICES (J. ELLIOTT) *JAE*

RE: DOCKET NO. 010589-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 7198
ISSUED TO EDWARD L. WONG FOR VIOLATION OF RULE 25-4.0161,
F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS
COMPANIES.

AGENDA: 12/04/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010589.RCM

CASE BACKGROUND

- 11/12/99 - This company obtained Florida Public Service Commission Certificate No. 7198.
- 12/20/99 - The Commission received the company's payment for the 1999 Regulatory Assessment Fee (RAF). The company reported no revenues for the period ended December 31, 1999.
- 12/12/00 - The Division of the Commission Clerk & Administrative Services mailed the 2000 Regulatory Assessment Fee (RAF) notice. Payment was due January 30, 2001.
- 02/21/01 - The Division of the Commission Clerk & Administrative Services mailed the delinquent notice.

DOCUMENT NUMBER-DATE

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- **04/24/01** - Staff established this docket for nonpayment of the 2000 RAF, plus statutory penalty and interest charges.
- **05/14/01** - Staff wrote the company and explained that a docket had been established for nonpayment of the 2000 RAF and to contact the Commission if it was interested in resolving this docket.
- **05/17/01** - Mr. Wong, Owner, called staff and advised that he had closed the business because the person he invested \$50,000 with had filed for bankruptcy. Mr. Wong advised he no longer needs this certificate.
- **09/19/01** - Staff wrote Mr. Wong and explained that he must request cancellation in writing. In addition, staff explained that if he wanted a voluntary cancellation, Mr. Wong must pay the 2000 RAF, including penalty and interest, and either pay the 2001 RAF or provide a date certain it would be paid.
- **11/07/01** - As of this date, the company has not paid the past due amount, complied with Rule 25-24.514, Florida Administrative Code, or recontacted staff.

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 Edward L. Wong a voluntary cancellation of Certificate No. 7198?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7198 on its own motion, effective May 17, 2001. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. (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, or the next business day, 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.

Rule 25-24.514(2)(a) and (b), Florida Administrative Code, states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

Although Mr. Wong verbally requested cancellation of his certificate, he did not follow through with a written request nor pay the past due RAF, including penalty and interest charges.

Accordingly, the Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7198 on its own motion, effective May 17, 2001. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. The docket should then be closed upon cancellation of the certificate. (J. Elliott)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon cancellation of the certificate.