

State of Florida



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

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COMMISSION CLERK

DATE: DECEMBER 5, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *DK* *for*
DIVISION OF LEGAL SERVICES (J. ELLIOTT)

RE: DOCKET NO. 010665-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 6030 ISSUED TO MARIO RAMIREZ D/B/A ENTEL - COMMUNICATIONS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/17/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010665.RCM

CASE BACKGROUND

- 04/20/99 - This company was granted Florida Public Service Commission Certificate No. 6030.
- 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.
- 02/21/00 - The Division of the Commission Clerk & Administrative Services mailed the delinquent notice.
- 03/08/01 - The Commission received the company's 2000 RAF return, which included payment for the minimum amount, along with a note requesting cancellation. The company reported no revenues for the period ended December 31, 2000.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

DOCKET NO. 010665-TC
DATE: DECEMBER 5, 2001

- **03/12/01** - Staff wrote the company and explained that in order to recommend a voluntary cancellation, the company needed to pay the statutory penalty and interest charges for late payment of the 2000 RAF and either pay the 2001 RAF or provide a date certain it would be paid.
- **09/24/01** - Order No. PSC-01-1897-PAA-TC was issued, which denied the company's request for voluntary cancellation and instead cancelled the company's certificate on the Commission's own motion. The company had until October 15, 2001 to respond to the Order.
- **10/12/01** - The Commission received the company's response to the Order.
- **11/15/01** - The Commission received the company's payment for the past due penalty and interest charges for the year 2000 and payment for the 2001 RAF. The company reported no revenues for RAF year 2001.

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 Mario Ramirez d/b/a ENTEL - Communications a voluntary cancellation of Pay Telephone Certificate No. 6030?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of March 8, 2001. (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 the Commission Clerk & Administrative Services notified staff that the company had not submitted the 2000 regulatory assessment fees, along with statutory penalty and interest charges, for the year 2000. Therefore, the company had failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Staff wrote the company and explained that in order to grant a voluntary cancellation, the past due statutory penalty and interest charges would have to be paid. In addition, staff advised that the company either needed to pay the 2001 RAF or provide a date certain the 2001 RAF would be paid. Staff requested a response by March 27, 2001. No response was received, therefore, this docket was established. After Order No. PSC-01-1897-PAA-TC was issued on September 24, 2001, the company filed a timely protest and subsequently paid the past due amount and paid the 2001 RAF in compliance with Rule 25-24.514(2)(a) and (b), Florida Administrative Code.

Accordingly, staff believes the company's request for a voluntary cancellation of its certificate should be granted with an effective date of March 8, 2001.

DOCKET NO. 010665-TC
DATE: DECEMBER 5, 2001

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the certificate as no other issues need to be addressed by the Commission. (J. Elliott)

STAFF ANALYSIS: If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the certificate as no other issues need to be addressed by the Commission.