



Public Service Commission
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COMMISSION CLERK

DATE: DECEMBER 5, 2002
TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Dij SD*
OFFICE OF THE GENERAL COUNSEL (DODSON; L. FORDHAM) *PK*

RE: DOCKET NO. 020766-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PATS CERTIFICATE NO. 3301 ISSUED TO
THOMAS CAMERON FOR VIOLATION OF RULE 25-4.0161, F.A.C.,
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 020820-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PATS CERTIFICATE NO. 7827 ISSUED TO
LANGLEY CORPORATE INVESTMENTS, INC. FOR VIOLATION OF RULE
25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/17/02 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020766.RCM

CASE BACKGROUND

This recommendation deals with the enforcement actions against pay telephone companies (PATs) for nonpayment of the Regulatory Assessment Fees (RAFs). Staff is recommending that the first time offenders be penalized \$500.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes. The following docket numbers are addressed by this recommendation.

DOCUMENT NUMBER DATE

13306 DEC -5 02

FPSC-COMMISSION CLERK

DOCKET NOS. 020766-TC, 020820-TC
DATE: DECEMBER 5, 2002

1st Time PAT Offenders - Nonpayment of RAFs - \$500 Penalty

DOCKET NO. 020766-TC - THOMAS CAMERON
DOCKET NO. 020820-TC - LANGLEY CORPORATE INVESTMENTS, INC.

DISCUSSION OF ISSUES

1st Time PATs Offenders - Nonpayment of RAFs - \$500 Penalty

ISSUE 1: Should the Commission impose a \$500 penalty or cancel each company's respective certificate as listed on Attachment A for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, with an effective date of December 31, 2002?

RECOMMENDATION: Yes. The Commission should impose a \$500 penalty or cancel each company's respective certificate as listed on Attachment A for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, with an effective date of December 31, 2002, if the penalty and any outstanding Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should 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 Section 364.285(1), Florida Statutes. If a company does not protest the Commission's Order, or if the penalty and any outstanding Regulatory Assessment Fees, including statutory penalty and interest charges, are not received in accordance with the Commission's Order, that company's certificate, as listed on Attachment A, should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone services in Florida. (Isler; Dodson; L. Fordham)

STAFF ANALYSIS: Each of the telecommunications providers listed on Attachment A had not paid their 2001 Regulatory Assessment Fees, plus statutory penalty and interest charges. Staff wrote each of the companies listed on Attachment A in an attempt to bring the companies into compliance with the RAF rule. No payment or response was received, therefore, dockets were established. Each company listed on Attachment A subsequently either paid the full

DATE: DECEMBER 5, 2002

amount past due or paid a portion of the total due. Staff wrote the companies another letter and explained that in addition to requiring any past due balance, each company should propose either a settlement to resolve the docket or request cancellation of their respective certificates. No further response was received. Therefore, it appears the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, and have not requested cancellation of their respective certificates in compliance with Rule 25-24.514, Florida Administrative Code. The penalty amount recommended in these dockets is consistent with amounts imposed for recent, similar violations. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Accordingly, staff recommends that the Commission assess a \$500 penalty or cancel each company's respective certificate as listed on Attachment A for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, with an effective date of December 31, 2002, if the penalty and any outstanding Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should 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 Section 364.285(1), Florida Statutes. If a company does not protest the Commission's Order, or if the penalty and any outstanding Regulatory Assessment Fees, including statutory penalty and interest charges, are not received in accordance with the Commission's Order, that company's certificate, as listed on Attachment A, should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone services in Florida.

DOCKET NOS. 020766-TC, 020820-TC

DATE: DECEMBER 5, 2002

ISSUE 2: Should these dockets 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 the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the penalty and fees or cancellation of each company's respective certificate. A protest in one docket should not prevent the action in a separate docket from becoming final. (Dodson; L. Fordham)

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, these dockets should be closed upon receipt of the penalty and fees or cancellation of each company's respective certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DOCKET NOS. 020766-TC, 020820-TC

DATE: DECEMBER 5, 2002

1st Time PATs Offenders - Nonpayment of RAFs - \$500 Penalty

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD ENDED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>Penalty and Interest*</u>
020766-TC	Thomas Cameron \$336 Revenues 12/31/01	3301	2001	1998 2000 2001
020820-TC	Langley Corporate Investments, Inc. \$8 Revenues 12/31/01	7827	2001	2001

*Years penalty and/or interest was not paid