

State of Florida



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Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: March 21, 2005

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Dovie L. Rockette-Gray, Attorney, Office of the General Counsel *DRG P/K*

RE: Request for Permission from Department of Financial Services to Write-Off the Penalty Imposed on NEC Prepaid, Inc.
Docket No. 041316-TI; Compliance investigation of NEC Prepaid, Inc. for apparent violation of Sections 364.02 and 364.04, Florida Statutes

On November 16, 2004, Docket 041316-TI was established to address NEC Prepaid, Inc.'s violations of Sections 364.02(13) and 364.041(1), Florida Statutes. NEC Prepaid, Inc. failed to remit the penalty levied by Order No. PSC-05-0127-PAA-TI, issued January 31, 2005. The Commission further ordered that NEC Prepaid, Inc. should cease and desist providing intrastate interexchange telecommunications service in Florida. The Commission further ordered that the outstanding penalty be sent to the Department of Financial Services for collection, and, that the Division of the Commission Clerk and Administrative Services should request permission to write-off the uncollectible amount.

Therefore, staff requests that Bureau of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write-off the uncollectible penalty for NEC Prepaid, Inc.

DRG

- CMP _____
- COM _____ Cc: Kiwanis Curry
- CTR _____
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- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
BUREAU OF ACCOUNTING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL
(PLEASE PRINT OR TYPE)**

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE _____ PAGE ___ OF ___
 CONTACT KAREN BELCHER, DIRECTOR, FISCAL SERVICES
 HOME NUMBER 850-413-6273
 LAIR ACCOUNT CODE SAMAS ACCOUNT CODES: 61 50 2 573003 610100 00 000300
 61 74 1 000331 610100 00 001200

041316TI

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
16550 NW 10 th Ave., Miami, FL 33169					
Last Known Address (Include Zip)					
(305) 914-3360 - Representative				\$25,000	\$25,000
Home Telephone	Work Phone	Principal Amount	Penalty/Interest	Amount	Total
364.02(13) and 364.04(1), F.S.					
Penalty/Interest Authority		Date Debt Incurred		Debt Type	

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
Last Known Address (Include Zip)					
Home Telephone	Work Phone	Principal Amount	Penalty/Interest	Amount	Total
Penalty/Interest Authority		Date Debt Incurred		Debt Type	

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

3.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
Last Known Address (Include Zip)					
Home Telephone	Work Phone	Principal Amount	Penalty/Interest	Amount	Total
Penalty/Interest Authority		Date Debt Incurred		Debt Type	

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

****DEBIT TYPE CODE****

1. RETURNED CHECK 2. NONPAYMENT FOR STATE GOODS/SERVICES 3. DAMAGE TO STATE PROPERTY
 7. COURT ORDER 8. FINES 9. OVERPAYMENT OF STATE FUNDS

GENERAL INSTRUCTIONS

Provide as much information as possible for each account or returned check listed. Names should include legal entities as well as individuals. Principal Amount is the original amount of the debt excluding any service charge, penalty, and/or interest. Penalty/Interest Amount is the amount of the service charge, penalty, and/or interest due to date on the delinquent account or returned check. For those accounts subject to interest charges, please indicate the interest rate, method of calculation, and whether the rate is subject to change. Penalty/Interest Authority is the Florida Statutory and/or Florida Administrative Code citation authorizing the service charge, penalty, and/or interest on delinquent accounts and returned checks. Date Incurred is the date the account became delinquent; e.g., the date a check was returned marked NSF, the date an invoice was due to be paid, etc. Debt Type must be indicated using the codes listed at the bottom of the form.

In order to properly pursue a delinquent account the Bureau of Accounting and the collection agency, if used, require pertinent information about the debt and debtor. Such information regarding the debt should be provided in the area titled Debt Description and include the purpose of the original payment by check; type of goods/services provided; what, when, and where State property was damaged; when, why and what court ordered a payment; when and why a fine was issued; for what and when were State funds overpaid; etc. Additional Information about the debtor should include, if available, date of birth, driver license number, credit card type and number, names and addresses of relatives, and any other information that may be used to locate the debtor. The more the Bureau and the collection agency know about the debt and debtor the more likely the recovery of the debt.

To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all moneys will be transferred by the journal transfer. Agencies will be provided a detailed listing of amounts collected and collection fees charged for each amount. The Department will also provide instructions in accordance with Generally Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, Florida Statutes.

Forms and Questions should be addressed to:

Department of Financial Services
Bureau of Accounting
Room 414 Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0354
(850) 410-9365 / SC 210-9365