Talbott :
Vandiver:

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center ● 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED

M E M O R A N D U M

December 4, 1997

UEC 04 1997
11:25
FPSC - Records/Reporting

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

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI)
            DIVISION OF ADMINISTRATION (LAKE)
            DIVISION OF LEGAL SERVICES (COX)

RE: DOCKET NO. 971326-TC - CANCELLATION BY FLORIDA PUBLIC
            SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4188
            ISSUED TO STEVEN W. BAILEY FOR VIOLATION OF RULE 25-
            4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY
            ASSESSMENT FEES.

AGENDA: 12/16/97   REGULAR AGENDA - PROPOSED AGENCY ACTION -
            INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/971326TC.RCM

CASE BACKGROUND

- Steven W. Bailey (Mr. Bailey) obtained Florida Public Service
  Commission Pay Telephone certificate number 4188 on July 12,
  1995.

- On June 3, 1997, the Division of Administration mailed a
  certified letter to the address listed in the Master
  Commission Directory informing Mr. Bailey that he was
  delinquent on his regulatory assessment fees for the year
  1996. The letter was signed for and received, but to date, no
  response has been received by staff (Attachment A, Page 4).

- As of December 1, 1997, the delinquent regulatory assessment
  fees for 1996, along with statutory penalties and interest
  charges, have not been submitted by Mr. Bailey.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a $500 fine or cancel Mr.
Bailey's Pay Telephone Certificate No. 4188 for apparent violation
of Rule 25-4.0161, Florida Administrative Code, Regulatory
Assessment Fees?

RECOMMENDATION: Yes. The Commission should impose a $500 fine or
cancel Mr. Bailey's certificate if the fine and the regulatory
assessment fees, including statutory penalties and interest, are
not received by the Commission within 5 business days after the
conclusion of the 21 day protest period. The fine 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 the
Commission's Order is not protested and the fine and the regulatory
assessment fees, including statutory penalties and interest, are
not received, certificate number 4188 should be canceled.
(Biegalski)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code,
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.

On December 1, 1997, staff learned that Mr. Bailey had not
submitted the regulatory assessment fees for the year 1996, along
with statutory penalties and interest charges. Therefore, he has
failed to comply with Rule 25-4.0161, Florida Administrative Code.

Accordingly, staff recommends that the Commission assess a
$500 fine for failure to comply with Commission rules or cancel
certificate number 4188 if the fine and the regulatory assessment
fees, along with statutory penalties and interest, are not paid
within the specified time.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, or cancellation of the certificate, this docket should be closed. (Cox)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then Mr. Bailey will have 21 days from the issuance date of the Order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed upon payment of the fines and fees, or upon cancellation of the certificate.

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write 'Return Receipt Requested' on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TF 399

4a. Article Number

P174 341 100

4b. Service Type

☐ Registered   ☒ Certified
☐ Express Mail   ☐ Insured
☐ Return Receipt for Merchandise   ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

Steve Bailey

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

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