

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

RECEIVED

DEC 18 1997

3:40

FPSC - Records/Reporting

M E M O R A N D U M

December 23, 1997

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

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *WB*  
DIVISION OF ADMINISTRATION (LAKE) *W*  
DIVISION OF LEGAL SERVICES (COX) *WPC BK*

RE: DOCKET NO. 971341-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4477 ISSUED TO WOLKAY CORPORATION D/B/A SOUTH FLORIDA TELECOM FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES.

AGENDA: 01/06/98 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/971341TC.RCM

CASE BACKGROUND

- Wol kay Corporation d/b/a South Florida Telecom (Wolkay) obtained Florida Public Service Commission Pay Telephone certificate number 4477 on January 20, 1996.
- On June 3, 1997, the Division of Administration mailed a certified letter to the address listed in the Master Commission Directory informing Wolkay that it was delinquent on its regulatory assessment fees for the year 1996. The letter was returned by the United States Post Office stamped "unclaimed" (Attachment A, Page 4).
- On December 3, 1997, staff contacted Wolkay and informed it of the pending cancellation.
- As of December 9, 1997, the delinquent regulatory assessment fees for 1996, along with statutory penalties and interest charges, have not been submitted by Wolkay.

DOCUMENT NUMBER-DATE

12957 DEC 18 97

FPSC-RECORDS/REPORTING

DOCKET NO. 971341-TC  
DATE: December 231997

### DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel Wol kay's Pay Telephone Certificate No. 4477 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 the company'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 4477 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 9, 1997, staff learned that Wol kay had not submitted the regulatory assessment fees for the year 1996, along with statutory penalties and interest charges. Therefore, it 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 4477 if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within the specified time.

DOCKET NO. 971341-TC  
DATE: December 231997

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 Wolkey 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.

State of Florida  
**Public Service Commission**

2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

[REDACTED]  
**CERTIFIED**

P 174 241 119

[REDACTED]  
MAIL

TALLAHASSEE  
PM  
03 JUN  
1991

TALLAHASSEE  
FLA

POSTMETER  
8014259

NAME

1st Notice  
2nd Notice  
1 0 1997

6-4-97  
6-11-97  
6-18-97

RETURN  
TO  
SENDER

RECEIVED  
6/11/96

Postmaster: Return to  
Post Office Box  
No. 204  
Do not remove this envelope

TF541  
South Florida Telecom  
12550 Biscayne Blvd., Suite 204  
North Miami, FL 33181-2536

TALLAHASSEE  
FLA  
JUN 1 1991

POSTMETER  
E 0.00  
8014259