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FLORIDA PUBLIC SERVICE COMMISSION FPSC - Records/Reporting
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

January 8, 1998

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

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *LB*
DIVISION OF ADMINISTRATION (LAKE) *LB*
DIVISION OF LEGAL SERVICES (PELLEGRINI) *LB*

RE: DOCKET NO. 971350-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4496 ISSUED TO ZYCOM TEK CORPORATION FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES.

AGENDA: 01/20/98 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/971350TC.RCM

CASE BACKGROUND

- Zycom Tek Corporation (Zycom) obtained Florida Public Service Commission Pay Telephone certificate number 4496 on February 5, 1996.
- On June 3, 1997, the Division of Administration mailed a certified letter to the address listed in the Master Commission Directory informing Zycom 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).
- Staff attempted on numerous occasions to contact Zycom regarding the pending cancellation. The telephone went unanswered and no answering device is in place.
- As of December 24, 1997, the delinquent regulatory assessment fees for 1996, along with statutory penalties and interest charges, have not been submitted by Zycom.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel Zycom's Pay Telephone Certificate No. 4496 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 4496 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 3, 1997, staff learned that Zycom 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.

Staff made numerous attempts to contact Zycom to notify it of the pending cancellation, but as of December 24, 1997, the past due regulatory assessment fees, along with statutory penalties and interest, have still not been submitted by Zycom.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with Commission rules or cancel certificate number 4496 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. (Pellegrini)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then Zycom 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 Boulevard
Tallahassee, Florida 32399-0850

Mr. _____
Mrs. _____
Miss _____
Ms. _____
Mr. _____

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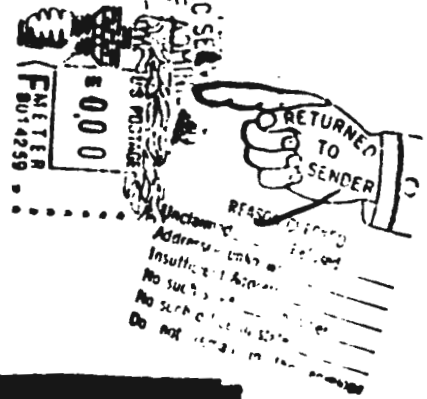
CERTIFIED

P 174 241 125

MAIL

TF556
Zycom Tek Corporation
1027 S.E. 27th Street
Cape Coral, FL 33904-2921

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ATTACHMENT A
DOCKET NO. 971350-TC
JANUARY 8, 1998