



Public Service Commission

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RECORDS AND REPORTING

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DATE: JUNE 18, 1998

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

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB WDH/AA*
DIVISION OF LEGAL SERVICES (K. PENA) *WDP*

RE: DOCKET NO. 971678-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY SUMMA MULTINATIONAL INC.

AGENDA: 06/30/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\971678.RCM

CASE BACKGROUND

On December 31, 1997, Summa Multinational, Inc. (Summa), filed an application to provide pay telephone services (PATS) in Florida. Summa previously held PATS Certificate No. 2579, but the Commission canceled that certificate in Order No. PSC-97-1433-FOF-TC, issued December 6, 1997, because Summa failed to pay a fine and delinquent regulatory assessment fees for the years 1993 and 1996.

Summa has a history of late payment or non-payment of regulatory assessment fees. Since it obtained its first certificate in 1990, Summa has been late or delinquent on its payments of regulatory assessments fees in the years 1991 through 1997. Summa still owes statutory penalties and interest dating back to 1991.

Summa was also subject to another cancellation proceeding in 1996. Docket No. 961115-TC was established then to fine or cancel Summa's certificate for failure to pay its 1995 regulatory assessment fees. In that case, Summa did pay its past due fees for 1995, including statutory penalties and interest charges, and a \$250 fine.

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In light of these facts, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission deny Summa Multinational, Inc.'s application for a certificate to provide pay telephone service in Florida?

RECOMMENDATION: Yes. (Biegalski)

STAFF ANALYSIS: Rule 25-24.511, Florida Administrative Code, states in part:

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest. One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the new certificate is in the public interest. [emphasis added]

Due to its previous delinquent regulatory assessment fees payment history, staff believes that approving Summa's application is not in the public interest. When filing an application to provide pay telephone service, the applicant must sign an acknowledgment form attesting that it understands the Commission's rules and regulations relating to the provision of pay telephone service. In addition, the applicant must sign a form stating that it understands it is required to pay a regulatory assessment fee each year.

Summa was granted its first certificate on December 18, 1990. Staff's records reflect that a delinquent notice was sent to Summa for the years 1991, 1992, 1993, 1995, and 1996. Due to Summa's inability to submit its regulatory assessment fees in a timely manner, staff believes the Commission should deny Summa's application.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. 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 and this docket may be closed.
(K. Peña)

STAFF ANALYSIS: 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 and this docket may be closed.