

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

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REC'D BY ADD  
REPORTING

**DATE:** AUGUST 6, 1998

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAPO)

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *PIK*  
DIVISION OF LEGAL SERVICES (OTTINOT) *AS* *AK for meb*

**RE:** DOCKET NO. 980790-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3288 ISSUED TO CLEAN MACHINE/LAUNDRY SERVICE OF MIAMI BEACH, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 08/18/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\980790.RCM

### CASE BACKGROUND

Clean Machine/Laundry Service of Miami Beach, Inc. (Clean Machine) obtained Florida Public Service Commission Pay Telephone Certificate Number 3288 on April 23, 1993.

On December 11, 1997, the Division of Administration mailed the regulatory assessment fee (RAF) notice by certified mail. Staff received the return receipt from the United States Postal Service showing that the RAF notice was signed for and delivered on December 13, 1997.

By memorandum dated June 5, 1998, the Division of Administration advised staff that Clean Machine has not paid its 1997 RAF, along with statutory penalties and interest for the years

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1997, 1996, and 1993. Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission impose a \$500 fine or cancel Clean Machine/Laundry Service of Miami Beach, Inc.'s pay telephone certificate number 3288 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**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 five 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 regulatory assessment fees, including statutory penalties and interest, are not received, certificate number 3288 should be canceled. (Isler)

**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 June 5, 1998, staff learned that Clean Machine had not submitted the regulatory assessment fees for 1997, along with statutory penalties and interest charges for the years 1997, 1996, and 1993. Therefore, it has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with the Commission rules or cancel certificate number 3288 if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within five business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public

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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. Upon payment of the fines and fees, or cancellation of the certificate, this docket should be closed. (Ottinot)

**STAFF ANALYSIS:** If the Commission adopts staff's recommendation in Issue 1, then Clean Machine/Laundry Service of Miami Beach, Inc. 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.