

State of Florida



Public Service Commission

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

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AUG 20 AM 11:22
RECORDS AND REPORTING

DATE: AUGUST 20, 1998

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *ISL*
DIVISION OF LEGAL SERVICES (OTTINOT) *OTT*

RE: DOCKET NO. 980789-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3325 ISSUED TO PUBLIC PHONES, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 09/01/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980789.RCM

CASE BACKGROUND

Public Phones, Inc., obtained Florida Public Service Commission Pay Telephone Certificate Number 3325 on May 20, 1993.

In early December 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 19, 1997.

By memorandum dated June 5, 1998, the Division of Administration advised staff that Public Phones, Inc. had not paid its 1997 RAF, nor statutory penalties and interest of late RAF payments for the years 1994, 1996, and 1997.

DOCUMENT NUMBER-DATE

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FPSC RECORDS/REPORTING

After the docket was opened but prior to staff preparing its recommendation, the company paid its RAFs plus all statutory penalties and interest due. In addition, Public Phones, Inc. submitted a proposed settlement offer of \$100 and agreed to take the necessary corrective action. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Public Phones, Inc. to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept Public Phones, Inc.'s settlement offer. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (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 Public Phones, Inc. had not submitted the regulatory assessment fees for 1997, along with statutory penalties and interest charges for the years 1994, 1996, and 1997.

After staff opened this docket but prior to filing the recommendation, on July 22, 1998, Public Phones, Inc. paid the full amount due the Commission, including statutory penalties and interest charges for the previous years. The company advised staff that its employee, who previously filed its RAF returns, was no longer employed by them. The RAF form was forwarded to Public Phones' accountant, who inadvertently filed the form instead of completing it. (ATTACHMENT A)

In recognition of its apparent violation of Rule 25-4.0161, Florida Administrative Code, Public Phones, Inc. submitted a settlement offer. (ATTACHMENT B) The company agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 to the State General Revenue Fund. Staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable since the company's total revenues for the 1997 RAF calculation was \$1,563. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$100 contribution, this docket should be closed. (Ottinot)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.

CMU/Isler

ORIGINAL



**Public
Phones, Inc.**

July 17, 1998

Ms. Blanca S. Bayo
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Public Phones, Inc., Docket No 980789-TC

Dear Ms. Bayo

Please use this letter as our apology for the late payment of our Pay Telephone Service Provider Regulatory Assessment Fee. The form was misplaced and was not found until this week. Our company has always filed the required paperwork in a timely manner in the past and will do so in the future.

This year we lost the lady that had prepared our return in the past, and in an effort to ensure that it was done correctly, the form was sent to our accountant to be completed and filed. As you will note in the enclosed letter from Lovoy Summerville & Shelton, the form was filed away and not prepared as requested by us. I understand that we are ultimately responsible for things being done, but I ask that you give consideration to the fact that our being late was not because we didn't care or did it intentionally.

Our company wants to remain in business and provide quality service to the public. We ask that our Telephone Certificate No. 3325 not be cancelled.

Thank you for your consideration.

Cordially

E. I. McDonald

E. I. McDonald
President

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CMU

Enclosure
cc: Paula Isler

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DOCUMENT NUMBER - DATE

07701 JUL 22 98

FPSC-RECORDS/REPORTING

P.O. Box 10359 # Pensacola, FL 32524-0359 # (904) 474-0944

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU Isler
- CTR _____
- EAG _____
- LEG 1
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____



Lovoy, Summerville & Shelton, P.C.

Certified Public Accountants

July 10, 1998

Mr. James N. McDonald
Public Phones, Inc.
1816 Third Avenue, North
Bessemer, Alabama 35020

Dear Norman:

Enclosed please find a 1997 Form PSC/CMU-26, Pay Telephone Service Provider Regulatory Assessment Fee Return, for Public Phones, Inc. We have prepared Public Phones return on the form provided by you.

As you are aware this return was due by January 30, 1998. As a result, we have computed the imposed late payment penalty and interest charges of \$58 for Public Phones, Inc. Because the delay in filing is our responsibility, we will issue you a credit memo for \$58 to reimburse you for this charge.

Please sign the form in the designated space and forward it to:

ATTN: FISCAL
Florida Public Service Commission
2540 Edmund Oak Boulevard
Tallahassee, FL 32399-0876

We have enclosed copy of the return for your files. We apologize for our delay. If there are any additional assessments please call so that we may make you whole. We appreciate the continued opportunity to serve you.

Very truly yours,

LOVOY, SUMMERVILLE & SHELTON, P.C.

Lloyd C. Shelton, CPA
Shareholder

enclosures

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Public Phones, Inc.

July 30, 1998

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CWU

Ms. Paula Isler
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

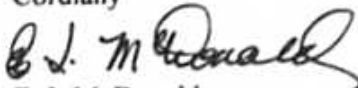
Re: Public Phones, Inc., Docket No. 980789-TC

Dear Ms. Isler

I would like to take this opportunity to again assure you that our company will adhere to all requirements of the Florida Public Service Commission and will file all required documents and make required payments in a timely manner.

Please accept our offer to make a contribution to the General Revenue Fund of the State of Florida in the amount of one hundred dollars (\$100.00).

Cordially


E. I. McDonald
President

EIM/mn

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ADMINISTRATION
FLOOR 311