

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-

DATE: NOVEMBER 19, 1998

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *IS*
DIVISION OF LEGAL SERVICES (WATTS) *cer/nb*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULE-25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

DOCKET NO. 981170-TC - CEDRIC L. BROWN
DOCKET NO. 981172-TC - LEE COUNTY LAUNDROMAT, INC.
DOCKET NO. ~~981177~~-TC - THE CHECK CASHING STORE #20, INC.
DOCKET NO. 981201-TC - PROTEL, INC.
DOCKET NO. 981202-TC - PAY PHONE PROFESSIONALS
DOCKET NO. 981203-TC - OWN YOUR OWN PHONE CENTERS, INC.

AGENDA: 12/01/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981170.RCM

CASE BACKGROUND

1.) Docket #981170-TC - Cedric L. Brown - This company obtained Certificate Number 2635 on March 19, 1991. On December 11, 1997, the Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt which showed the notice was signed for and delivered on December 19, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1996 and 1997 RAFs, plus statutory penalties and

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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interest for the years 1992, 1996, and 1997. As of November 9, 1998, the company has not paid the past due amount.

2.) Docket #981172-TC - Lee County Laundromat, Inc. - This company obtained Certificate Number 2734 on June 8, 1991. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 18, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1996 and 1997 RAFs, plus statutory penalties and interest for the years 1991, 1995, 1996, and 1997. As of November 9, 1998, the company has not paid the past due amount.

3.) Docket #981177-TC - The Check Cashing Store #20, Inc. - This company obtained Certificate Number 2790 on September 11, 1991. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 13, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the years 1996 and 1997. In addition, the company only paid half of its 1991 RAFs and 1991 statutory penalties and interest charges. As of November 9, 1998, the company has not paid the past due amount.

4.) Docket #981201-TC - Protel, Inc. - This company obtained Certificate Number 1760 on November 25, 1987. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 15, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the years 1994, 1995, and 1997. As of November 9, 1998, the company has not paid the past due amount.

5.) Docket #981202-TC - Pay Phone Professionals - This company obtained Certificate Number 2306 on June 14, 1989. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 13, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the years 1994, 1996, and 1997. As of November 9, 1998, the company has not paid the past due amount.

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6.) Docket #981203-TC - Own Your Own Phone Centers, Inc. - This company obtained Certificate Number 2401 on November 1, 1989. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 16, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the years 1994, 1995, 1996, and 1997. As of November 9, 1998, the company has not paid the past due amount.

Staff believes the following recommendations are appropriate.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 6 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 each company's certificate as listed on page 6 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, the pay telephone certificate numbers listed on page 6 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.

Staff was notified by the Division of Administration that each of the pay telephone providers listed on page 6 had not paid their 1997 regulatory assessment fees, plus statutory penalties and interest. Therefore, the companies have 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 the companies respective certificate numbers 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 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

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not received, the certificate numbers listed on page 6 should be canceled.

ISSUE 2: Should these dockets 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, these dockets should be closed. (Watts)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon payment of the fines and fees, or upon cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>RAFs</u>	<u>P and I</u>
981170-TC	Cedric L. Brown	2635	1996 1997	1992 1996 1997
981172-TC	Lee County Laundromat, Inc.	2734	1996 1997	1991 1995 1996 1997
981177-TC	The Check Cashing Store #20, Inc.	2790	1991* 1997	1991* 1996 1997
981201-TC	Protel, Inc.	1760	1997	1994 1995 1997
981202-TC	Pay Phone Professionals	2306	1997	1994 1996 1997
981203-TC	Own Your Own Phone Centers, Inc.	2401	1997	1994 1995 1996 1997

* The Check Cashing Store #20, Inc. paid half of its 1991 regulatory assessment fees, plus half of the penalties and interest. Therefore, the company has a balance of the other half of the RAFs and statutory penalties and interest charges for the 1991 RAF year.