

State of Florida



## Public Service Commission

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

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

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**DATE:** NOVEMBER 19, 1998

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *IT*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *KMP/ME*

**RE:** DOCKET NO. 981187-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3763 ISSUED TO CHERI TENNEY, FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 12/01/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981187.RCM

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#### CASE BACKGROUND

Cheri Tenney obtained Florida Public Service Commission Pay Telephone Certificate Number 3763 on June 1, 1994.

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 (USPS) which showed that the RAF notice was signed for and delivered on December 12, 1997.

The Division of Administration advised staff by memorandum that this company had not paid its 1997 RAF, plus statutory penalties and interest for the year 1997.

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After the docket was opened, Mr. Richard Tenney called staff and stated that he wanted to keep the certificate and would pay all past due charges and make a proposed settlement offer. The company has since paid the 1997 RAFs plus statutory penalties and interest charges and made a proposed settlement offer to pay a \$500 contribution and pay future regulatory assessment fees by January 30 of each year. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

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

**RECOMMENDATION:** Yes. The Commission should accept Cheri Tenney'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.

The Division of Administration notified staff by memorandum that Cheri Tenney had not submitted the regulatory assessment fees for 1997, along with statutory penalties and interest charges for the year 1997.

After staff opened this docket but prior to filing the recommendation, the company paid the regulatory assessment fees for 1997, plus the statutory penalties and interest charges. The company contacted staff and advised that it wanted to keep its certificate and would make a settlement proposal. The company's correspondence was received November 4, 1998, and proposed to pay all future regulatory assessment fees by January 30 of every year

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and would make a \$500 contribution to the State General Revenue Fund. (ATTACHMENT A)

This is the second time a docket has been opened against this company for nonpayment of the regulatory assessment fees (RAFs). The first time was Docket No. 960943-TC, in which the company did not pay its 1995 RAfs. Order No. PSC-96-1307-FOF-TC, which was issued on October 28, 1996, imposed a \$250 fine and required the company to pay the fine and past due regulatory assessment fees. The company paid both on November 18, 1996.

In previous cases, the Commission has accepted a \$100 settlement in lieu of pay telephone companies having their certificate canceled or paying the full amount of the fine. However, since this is the second docket to be opened against this company for the same rule violation, staff believes the \$500 settlement proposal is appropriate.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. 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 \$500 contribution, this docket should be closed. (K. Peña)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$500 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(i), Florida Statutes.

MEMORANDUM FOR THE DIRECTOR

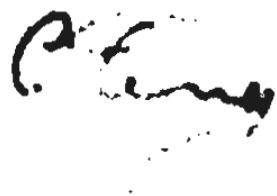
# Memorandum

**To:** Paula Isler  
**From:** Cheri Tenney  
**Date:** November 4, 1998  
**Re:** Regulatory Assessment Fees- Docket No. 981187-TC

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In regards to potential involuntary cancellation of my pay telephone certificate; I am hereby stating that I will abide by all commission rules in the future, which includes paying the regulatory assessment fees by January 30 of each year. I furthermore propose a settlement amount of \$500.00 for failing to pay this year's regulatory Assessment Fees.

Much appreciation of your time and consideration.



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