

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: DECEMBER 3, 1998

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Aji*
DIVISION OF LEGAL SERVICES (WATTS) *CBW MCB*

RE: DOCKET NO. 981327-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4905 ISSUED TO JAMES PAUL ELLIOTT FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/15/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981327.RCM

RECORDED AND REPORTING
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CASE BACKGROUND

James Paul Elliott obtained Florida Public Service Commission Pay Telephone Certificate Number 4905 on August 10, 1996.

On December 11, 1997, the Division of Administration mailed the 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 advised staff by memorandum that this company did not pay its 1997 RAFs and statutory penalties and interest charges for the year 1997.

DOCUMENT NUMBER-DATE

13440 DEC-1 98

FPSC-RECORDS/REPORTING

After the docket was opened, but prior to staff filing a recommendation, Mr. Elliott called and advised he wanted to keep his certificate, would pay the past due amount, and make a settlement proposal. This company has since paid all past due charges, including penalties and interest, 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 James Paul Elliott to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept James Paul Elliott'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 James Paul Elliott did not pay the regulatory assessment fees for the RAF year 1997 and the statutory penalties and interest charges for the year 1997.

On November 19, 1998, Mr. Elliott called and stated that he wanted to keep his pay telephone certificate, would pay the past due amount, and make a settlement proposal. On November 16, 1998, the Commission received the company's past due charges in full. Included with its check was a settlement proposal from the company. (ATTACHMENT A) The letter advised that the problem was an administrative oversight. The company promised to pay the fee

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before January 30th of each year and offered to pay a \$100.00 settlement in lieu of having its certificate canceled.

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 \$100 contribution, this docket should be closed. (Watts)

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.

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ATTACHMENT A

RECEIVED
Nov 16 10 16 AM '98
ADMINISTRATION
MAIL ROOM
James P. Elliott
207 Fairfield Street
Oldsmar, Florida 34677
813/854-1198
813/818-9065 - fax

November 10, 1998

Ms. Paula Isler
Public Service Commission
Division of Administration
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No.: 981327-TC
James Paul Elliott

Dear Ms. Isler:

Please accept this letter of apology for being late on paying my 1998 fee. The missed payment was an administrative oversight on my part, one that will never happen again.

To date, I have paid the 1998 fee plus penalties and interest totaling \$68.00 (I have enclosed a copy of check for your reference) and would like to offer you a \$100.00 settlement.

Again, I am sorry and look forward to hearing from you on your ruling in this matter.

Sincerely,

James P. Elliott
James P. Elliott

JPE:de
Enclosure

RECEIVED
NOV 16 1998

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