

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-

RECEIVED PSC
53 JAN - 6 AM 10:35
RECORDS/REPORTING

DATE: JANUARY 7, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Aji*
DIVISION OF LEGAL SERVICES (WATTS) *CEW/RCB*

RE: DOCKET NO. 981174-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 2704 ISSUED TO PHONE PLUS, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 01/19/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981174.RCM

CASE BACKGROUND

Phone Plus, Inc. obtained Florida Public Service Commission Pay Telephone Certificate Number 2704 on May 7, 1991.

The Division of Administration mailed the 1997 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 15, 1997.

The Division of Administration advised staff by memorandum that this company had not paid its 1997 RAF and one-half of the 1996 RAF, plus statutory penalties and interest for the years 1992, 1993, 1996, and 1997.

DOCUMENT NUMBER-DATE

00145 JAN-69

PSC-RECORDS/REPORTING

After the docket was opened, Mr. Art Westergren called staff and stated that he wanted to keep his certificate, would pay all past due charges, and make a settlement offer. The company has since paid all past due charges, including statutory penalties and interest charges, and made a settlement offer to pay a \$100 contribution and 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 Phone Plus, 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 the company'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 Phone Plus, Inc. had not submitted the regulatory assessment fees for 1997 and had a balance of half of the 1996 RAF, along with statutory penalties and interest charges for the years 1992, 1993, 1996, and 1997.

After staff opened this docket but prior to filing the recommendation, the company paid all past due charges, including the statutory penalties and interest charges. The company contacted staff and advised that it wanted to keep its certificate and would make a settlement offer. The company's correspondence was received December 7, 1998, and offered to pay future regulatory

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assessment fees by January 30 of each year and make a \$100 contribution to the State General Revenue Fund. (ATTACHMENT A)

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 \$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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PPI

"Collection, Service and Installation"

954-568-9770
Fax 954-563-0758

DECEMBER 2, 1998

DIVISION OF ADMINISTRATION
PUBLIC SERVICE COMMISSION
2540 SHRUMARD OAK BLVD
TALLAHASSEE, FL 32399
ATTENTION: PAULA ISLER

RECEIVED

DEC 07 1998

RE DOCKET # 981174-TC

CMUJ

DEAR MS ISLER,

PHONE PLUS INC. HAS REMITTED IN FULL THE \$ 84.64 FROM THE PAST DUE ASSESMENT FEES THAT WERE BROUGHT TO OUR ATTENTION. WE HAVE REVIEWED YOUR ACCOUNT SUMMARY AND WE AGREE 100% WITH YOUR STATEMENT AND WE APOLOGIZE FOR ANY INCONVIENENCE THAT THIS MAY HAVE CAUSED.

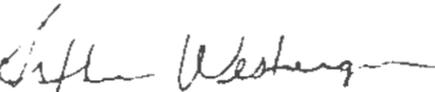
OUR ACCOUNTANT SPLIT THE FEE TO \$ 25.00 FOR EACH DOCUMENT NOT REALIZING THAT WE ACTUALLY HAD TWO CERTIFICATES REQUIRING \$ 50.00 EACH.

PLEASE RELAY TO THE COMMISSION THAT PHONE PLUS INC. FULLY INTENDS TO COMPLY WITH ALL RULES SET DOWN BY THE COMMISSION AND PAY ALL FEES DUE BY THE 30TH OF JANUARY FOR EACH YEAR.

PHONE PLUS INC. IS WILLING TO PAY A SETTLEMENT OF \$ 100.00 IN LIEU OF CANCELLING OUR CERTIFICATE.

THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.

BEST REGARDS,



ARTHUR WESTERGREN
PRESIDENT PHONE PLUS INC.

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