

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:** JANUARY 21, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *PIY*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *MB for KP*

**RE:** DOCKET NO. 981294-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4606 ISSUED TO VERTEX ENTERPRIZE & INVESTMENT, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 02/02/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981294.RCM

### CASE BACKGROUND

Vertex Enterprize & Investment, Inc. obtained Florida Public Service Commission Pay Telephone Certificate Number 4606 on June 1, 1996.

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 18, 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.

DOCUMENT NUMBER-DATE

00758 JAN 21 99

PSC-RECORDS/REPORTING

After the docket was opened, but prior to staff filing a recommendation, Mr. Hensly H. Hewan, the company's president, contacted staff. Mr. Hewan stated that he wanted to keep the certificate, would pay all past due charges and make a proposed settlement offer. The company has since paid the 1997 RAFs, plus statutory penalty and interest charges, proposed to pay a \$100 contribution and pay future regulatory assessment fees on a timely basis. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Vertex Enterprize & Investment, 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 Vertex Enterprize & Investment, 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.

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

After the docket was opened, but prior to staff filing a recommendation, Mr. Hensly H. Hewan, the company's president, contacted staff. Mr. Hewan stated that he wanted to keep the certificate, would pay all past due charges and make a settlement offer. The company has since paid the 1997 RAFs, plus statutory penalty and interest charges, proposed to pay a \$100 contribution

and pay future regulatory assessment fees on a timely basis.  
(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. 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. (K. Peña)

**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.

DOCKET NO. 981294-TC  
DATE: JANUARY 20 1999  
ATTACHMENT A



"ALWAYS TO EXCEL"

**TEX ENTERPRIZE & INVESTMENT INC.**

WE ARE THE LEADER IN DESK TOP PAY PHONES, VENDING  
MACHINE AND VIDEO GAMES

DEPOSIT                      DATE  
**D043\***                      DEC 10 1998

1033  
12.00 PFI  
12/8/98  
P

12/7/98

PUBLIC SERVICE COMMISSION

To : Paula Isler

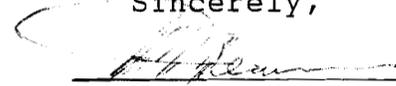
Enclose is the pass due amount of my regulatory fee which was a penalty for late payment in the amount of \$12.00 .

We have now made all our payments up to date and promised to make all future payments by January of every year as required ,by the commission.

In-Lue of a cancellation of our certificate #4606 , we would like to make a settlement of ( \$100.00 ) and maintain our privilege of the certificate .

Please give this matter your kind consideration.

Sincerely,

 12/7/98  
Hensly H. Hewan /PRES.

98 DEC 10 AM 8 33  
MAIL ROOM

Paula Isler  
RAR