

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 (BAYO)

FROM: DIVISION OF COMMUNICATIONS (ISLER) *DK* *LD*
DIVISION OF LEGAL SERVICES (K. PERA) *per for KP*

RE: DOCKET NO. 981320-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4957 ISSUED TO MIRESA INC. D/B/A IN TOUCH TELECOMMUNICATIONS, FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981320.RCM

CASE BACKGROUND

Miresa Inc. d/b/a In Touch Telecommunications obtained Florida Public Service Commission Pay Telephone Certificate Number 4957 on October 15, 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 that the RAF notice was signed for and delivered on December 13, 1997.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

The Division of Records and Reporting notified staff by memorandum that the USPS returned other mail stamped "return to sender", "unable to locate", and "undeliverable as addressed."

The Division of Administration advised staff by memorandum that this company had not paid its 1996 and 1997 RAFs, plus statutory penalties and interest for the years 1996 and 1997.

After the docket was opened, but prior to staff filing a recommendation, Ms. Carole Ann Paquette, the company's president, contacted staff. Ms. Paquette stated that she wanted to keep the certificate, would pay all past due charges and make a settlement offer. The company has since paid the 1996 and 1997 RAFs, plus statutory penalty and interest charges, provided the Commission with its correct address and telephone number, proposed to pay a \$200 contribution, pay future regulatory assessment fees on a timely basis, and provide the Commission with updated reporting requirements within 10 days of a change. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by In Touch Telecommunications to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements?

RECOMMENDATION: Yes. The Commission should accept In Touch Telecommunications' 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 1996 and 1997, along with statutory penalties and interest charges for the years 1996 and 1997.

The Division of Records and Reporting notified staff by memorandum that the USPS returned other mail to the company stamped "return to sender", "unable to locate", and "undeliverable as addressed."

After the docket was opened, but prior to staff filing a recommendation, Ms. Carole Ann Paquette, the company's president, contacted staff. Ms. Paquette stated that she wanted to keep the certificate, would pay all past due charges and make a settlement offer. The company has since paid the 1996 and 1997 RAFs, plus statutory penalty and interest charges, provided the Commission with its correct address and telephone number, proposed to pay a \$200 contribution, pay future regulatory assessment fees on a timely basis, and provide the Commission with updated reporting requirements within 10 days of a change. (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.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$200 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 \$200 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.

In Touch Telecommunications
12262 Areaca Drive
Wellington, FL 33414

RECEIVED

NOV 23 1998

November 19, 1998

CMU

Re: Docket # 981320-TC

Dear Ms. Isler:

As per our conversation today, I am writing to make a settlement offer of two hundred dollars. I promise to pay the regulatory assessment fees every year by Jan. 30th. In addition, I promise to notify the Commission if I move within ten days.

I have paid my past due balance of \$140.50, and I have notified the commission of my new address and phone number.

Thank you for your time and cooperation.

Sincerely,
Carole Ann Piquette