

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: JANUARY 21, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (K. PEÑA) *MBJ/NKP*

RE: DOCKET NO. 981322-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4936 ISSUED TO ASHOK MAHAVIR D/B/A MAHAVIR COMMUNICATIONS, 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\981322.RCM

CASE BACKGROUND

Ashok Mahavir d/b/a Mahavir Communications obtained Florida Public Service Commission Pay Telephone Certificate Number 4936 on December 25, 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 13, 1997.

The Division of Administration advised staff by memorandum that this company had not paid its 1996 and 1997 RAFs, plus

DOCUMENT NUMBER-DATE

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statutory penalties and interest charges for the years 1996 and 1997.

After the docket was opened, but prior to staff filing a recommendation, Mr. Ashok Mahavir contacted staff and 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 1996 and 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 Mahavir Communications to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept Mahavir Communications' 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.

After the docket was opened, but prior to staff filing a recommendation, Mr. Ashok Mahavir contacted staff and 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 1996 and 1997 RAFs, plus statutory penalty and interest charges,

DOCKET NO. 981322-~~C~~
DATE: JANUARY 21, 1999

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. 981322-TC
DATE: JANUARY 21, 1999
ATTACHMENT A

Mahavir
Communications

7757 Belvoir Dr.
Orlando, FL 32835

981322-TC

December 3, 1998

Paula Isier

Dear Madam:

I am appealing to avoid the cancellation of my license. I apologize for the tardiness of fees owed by my company and assure you that all regulatory fees will be paid no later than January 30 each year. I also would like to offer a settlement of one hundred dollars to ensure the validity of my license. Thank you in advance for your compliance.

Sincerely,

Cy Mahavir
President

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