

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) *Pix*
DIVISION OF LEGAL SERVICES (WATTS) *com/MB*

RE: DOCKET NO. 981326-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4301 ISSUED TO ARCHDIOCESE OF MIAMI D/B/A OUR LADY OF LOURDES ACADEMY, 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\981326.RCM

CASE BACKGROUND

Archdiocese of Miami d/b/a Our Lady of Lourdes Academy obtained Florida Public Service Commission Pay Telephone Certificate Number 4301 on December 22, 1995.

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, plus statutory penalty and interest charges for the year 1997.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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59 JAN 21 AM 11:41
RECORDS AND REPORTING

After the docket was opened but prior to a recommendation being filed, Mr. Phil Fernandez-Romero, the Academy's business office manager, contacted staff and advised he wanted to keep its certificate, would pay the past due regulatory assessment fees, and make a settlement offer. On January 14, 1999, staff received a settlement offer from the company, which advised it has since paid the past due regulatory assessment fees, plus statutory penalty and interest charges, and offered a contribution "of whatever amount" the Commission deems appropriate. (ATTACHMENT A) Although the Academy's letter did not state that it would pay future regulatory assessment fees on a timely basis, staff was verbally told by Mr. Fernandez-Romero that the fees would be paid on time in the future. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Our Lady of Lourdes Academy 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 Our Lady of Lourdes Academy had not submitted the regulatory assessment fees for 1997, along with statutory penalty and interest charges for the year 1997.

After the docket was opened but prior to a recommendation being filed, Mr. Phil Fernandez-Romero, the Academy's business

office manager, contacted staff and advised he wanted to keep its certificate, would pay the past due regulatory assessment fees, and make a settlement offer. On January 14, 1999, staff received a settlement offer from the company, which advised it has since paid the past due regulatory assessment fees, plus statutory penalty and interest charges, and offered a contribution "of whatever amount" the Commission deems appropriate. (ATTACHMENT A) Although the Academy's letter did not state that it would pay future regulatory assessment fees on a timely basis, staff was verbally told by Mr. Fernandez-Romero that the fees would be paid on time in the future. Since Mr. Fernandez-Romero verbally agreed to it, staff believes it should be so stated in the Order, if this recommendation is approved. In addition, the school's letter did not include a specific settlement amount. In previous, similar cases, the Commission has accepted a \$100 settlement. For consistency's sake, staff believes that a \$100 settlement is appropriate in this case.

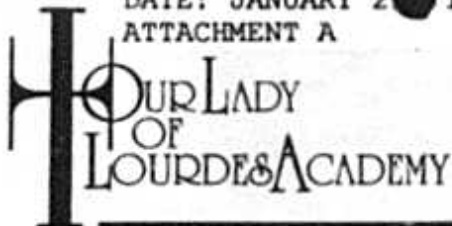
Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office 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.

DOCKET NO. 981326-TC
DATE: JANUARY 2 1999
ATTACHMENT A



5525 Southwest 84 Street Miami, Florida 33143
Phone: (305) 667-1623 Fax: (305) 663-3121

December 1, 1998

State of Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

To Whom It May Concern,

This letter is to offer my sincerest apologies for the delay in paying the public telephone regulatory assessment for the year 1997. In truth, the letter was received on the 17th or 19th of December, just before we closed for the holidays; the letter being addressed to our Principal, Sister Susan Marie who left for her Motherhouse in Pennsylvania, was never properly handled and, quite frankly, was lost.

I am writing this not only to offer our apologies, but to offer as proof of our good faith, a contribution to the State of Florida of whatever amount you deem appropriate. Please let me know your decision and we would certainly abide by it. We hope you accept our apologies and our offer and not fine us too steeply, we are the only diocesan high school for girls in the archdiocese of Miami and, quite frankly, do struggle quite a bit. Again my apologies and my gratitude for whatever mercy you may extend to us.

Sincerely,


L.F. Fernandez-Romero
Business Office Manager