

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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REPORTING

DATE: JANUARY 21, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (WATTS) *CBW*

RE: DOCKET NO. 981201-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 1760 ISSUED TO PROTEL, 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\981201.RCM

CASE BACKGROUND

Protel, Inc. obtained Florida Public Service Commission Pay Telephone Certificate Number 1760 on November 25, 1987.

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 penalties and interest for the years 1994, 1995, and 1997.

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

The Commission deferred this item from the December 1, 1998 Agenda Conference to allow the company time to investigate and resolve the issues raised. On December 17, 1998, 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, made efforts to prevent late payment in the future, and proposed to pay a \$100 settlement. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Protel, 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 Protel, Inc. had not submitted the regulatory assessment fees for 1997, along with statutory penalties and interest charges for the years 1994, 1995, and 1997.

The Commission deferred this item from the December 1, 1998 Agenda Conference to allow the company time to investigate and resolve the issues raised. On December 17, 1998, 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, made efforts to prevent late payment in the future, and proposed to pay a \$100 settlement. (ATTACHMENT A)

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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.



R DOCKET NO. 981201-TC
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ATTACHMENT A

~~DEC 17 1998~~

~~CWJ~~

December 15, 1998

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Dear Ms. Isler,

In reference to Docket Number 981201-TC regarding past due Regulatory Assessment Fees for Protel, Inc., company identification number TD-618, I am pleased to inform you that all past due interest, penalties, and assessment fees have been brought current.

In conducting our research as to how this delinquency occurred, we believe that the paper work was simply misplaced. I will assure you that every effort has been made to prevent this from happening again.

In light of the all assessments being current, I would like to propose a settlement of \$100.00 in lieu of having our Certificate to operate payphones in Florida cancelled.

We appreciate your consideration in this matter.

Sincerely yours.


Ron Stewart
Protel, Inc.