

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:** FEBRUARY 4, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Aji MB*  
DIVISION OF LEGAL SERVICES (MCKINNEY) *Jim MCB*

**RE:** DOCKET NO. 981125-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3900 ISSUED TO H. CARTMAN, FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 02/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981125.RCM

### CASE BACKGROUND

H. Cartman obtained Florida Public Service Commission Pay Telephone Certificate No. 3900 on December 15, 1994.

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

DOCUMENT NUMBER-DATE

**01343 FEB-38**

FPSC-RECORDS/REPORTING

After the docket was opened, Mrs. Sandra Cartman called staff and advised that her husband had passed away on January 28, 1998, and it was her understanding that he had taken care of paying the RAFs. She requested deferral of this item from the November 3, 1998 Agenda Conference, which was granted. (ATTACHMENT A) Mrs. Cartman stated that she is running the business started by her husband and stated "Be assured these will not be overlooked again now that I am aware of them and sincerely apologize for my negligence." Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by the company to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should accept company's settlement proposal to pay future regulatory assessment fees by the due date of each year. (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 H. Cartman 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, Mrs. Sandra Cartman called staff and advised that her husband had passed away on January 28, 1998, and it was her understanding that he had taken care of paying the RAFs. She requested deferral of this item from the November 3, 1998 Agenda Conference, which was granted. (ATTACHMENT A)

Mrs. Cartman wrote the Commission a letter dated December 11, 1998, and stated, in part:

I had no knowledge of the business operations, which contributed to my making many mistakes, one of which was having no knowledge of the RAF due at the time. Be assured these will not be overlooked again now that I am aware of them and sincerely apologize for my negligence.

I am asking that, due to the extenuating circumstances, you not levy any fines against me or cancel my certificate. I will work with you in any way possible to conform to the necessary guidelines.

Due to the extenuating circumstances, staff believes that Mrs. Cartman should be allowed to comply with Commission rules and that it would serve no purpose to fine her.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (McKinney)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DOCKET NO. 981125-TC  
DATE: FEBRUARY 4, 1999  
ATTACHMENT A

SANDRA N CARTMAN  
140 GLDN EYE DR  
DAYTONA BEACH FL 32119

October 27, 1998

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0805

Attn: Julia L. Johnson, Chairman

Re: Commission Conference Agenda 11/03/98  
Docket No. 981125-TC - H. Cartman

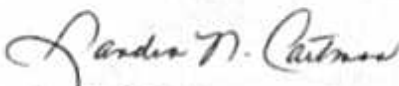
Dear Ms. Johnson:

We have received the above notice of violation of Rule 25-4.0161 regarding Cartman Telecom. Herbert Cartman was the owner and manager of this small company, which presently consists of six telephones. Mr. Cartman became ill in mid December and passed away January 28, 1998. I, Sandra N. Cartman, am his widow and am continuing to run the company and am in the process of learning all the rules and regulations.

I was unaware of this Regulatory Assessment fee and that it was not paid for 1997. By way of this letter I am requesting that I be deferred from your November 3, 1998 docket and will make every effort to take whatever steps to rectify this over-sight and comply with the necessary regulations.

Enclosed is my check for \$67.50 which includes the minimum payment I owe along with the \$12.50 penalty and \$5.00 interest. I would also like the necessary information to transfer the business to my name. Your cooperation in this matter will be very much appreciated.

Sincerely,



Sandra N. Cartman

Enclosure

✓ cc: Paula Isler

RECEIVED

OCT 29 1998

- 4 - CMU

DOCKET NO. 98112 TC  
DATE: FEBRUARY 4, 1999  
ATTACHMENT B

981125-TC

December 11, 1998

RECEIVED

DEC 17 1998

Sandra Cartman  
140B Golden Eye Drive

CMU

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0970

Attn: Ms. Paula Isler

Re: Regulatory Assessment Fees  
TF248

Dear Ms. Isler:

Jan. Cartman Telecom is presently in the name of H. Cartman (Herbert Cartman). Herb passed away ~~December~~ 28, 1998, leaving me to handle the six telephones he had at the time. I, Sandra Cartman, am his widow and am asking that the business be put in my name, since I am the legal Personal Representative of the Estate.

Prior to Herb's death he asked that I bring all the business files to the hospital so he could take care of the necessary paperwork. The day I took them to the hospital, they disappeared, leaving me with no business records whatsoever. The previous two years I had been bed ridden and was diagnosed as having Lupus, Non-Hodgkins Lymphoma and a fracture of the spine, making all this a bit overwhelming. I had no knowledge of the business operations, which contributed to my making many mistakes, one of which was having no knowledge of the RAF due at the time. Be assured these will not be overlooked again now that I am aware of them and sincerely apologize for my negligence.

I am asking that, due to the extenuating circumstances, you not levy any fines against me or cancel my certificate. I will work with you in any way possible to conform to the necessary guidelines. Thank you for your cooperation. If I can be of assistance, please contact me at (904)756-2603.

Sincerely,



Sandra N. Cartman