

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) *PJ*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *KMP/MLB*

**RE:** DOCKET NO. 981373-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5043 ISSUED TO ARBOR HEALTH CARE COMPANY D/B/A ARBORS AT JACKSONVILLE, 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\981373.RCM

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### CASE BACKGROUND

Arbors Health Care Company d/b/a Arbors at Jacksonville obtained Florida Public Service Commission Pay Telephone Certificate No. 5043 on January 7, 1997.

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

After the docket was opened, Ms. Barbara Torrible called staff on November 13, 1998 and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount on November 20, 1998. In addition, the company proposed to pay future regulatory assessment fees by the due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Arbors at Jacksonville 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 penalty and interest charges for the year 1997.

After the docket was opened, Ms. Barbara Torrible called staff on November 13, 1998 and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount on November 20, 1998. In addition, the company proposed to pay future regulatory assessment

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ARBORS AT JACKSONVILLE

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DOCKET NO. 981373-TC  
DATE: FEBRUARY 4, 1999  
ATTACHMENT A



ARBORS AT JACKSONVILLE  
4101 Southpoint Drive East  
Jacksonville, Florida 32216  
904-296-6800  
Fax 904-296-2007

November 17, 1998

Public Service Commission  
Division of Records & Reporting  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 981373-TC

Dear Mr. Bayo:

It has come to my attention that Arbors of Jacksonville has violated Rule 25-24.0161, F.A.C. by not paying the regulatory fee by January 30, 1998. I was not the Executive Director of this facility at that time, and do not know the reason why the bill was not paid, but I promise to pay all future regulatory fees by the 30<sup>th</sup> of January each year.

I have enclosed a check in the amount of \$68.00 which includes a \$12.50 late charge and \$5.50 interest.

I understand there is usually a fine for not paying this fee. I would appreciate it if you would accept \$100 as a settlement offer.

Sincerely,

Barbara R. Torrible, MSH, NHA  
Executive Director