

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2548 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING
MAR -3 PM 4:12
FPSC

DATE: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (K. PEÑA) *MLB*

RE: DOCKET NO. 981272-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4473 ISSUED TO MORTON GROUP, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981272.RCM

CASE BACKGROUND

Morton Group, Inc. obtained Florida Public Service Commission Pay Telephone Certificate Number 4473 on January 6, 1996.

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
02730 MAR-3 99
FPSC-RECORDS/REPORTING

Order No. PSC-99-0055-FOF-TC was issued January 6, 1999 which imposed a \$500 fine for violation of Rule 25-4.0161, Florida Administrative Code or canceled the company's certificate. After the December 15, 1998 Agenda Conference, but prior to the Order being issued, on December 21, 1998, the Division of Administration provided staff with a copy of a letter from Mr. Bradley Morton requesting voluntary cancellation of the company's certificate and which enclosed a check for the 1997 and 1998 regulatory assessment fees, plus statutory penalty and interest charges. Mr. Morton had previously advised staff by telephone that his company was no longer in the pay telephone business. (ATTACHMENT A) Therefore, based on the company's response to the Order, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Morton Group, Inc. a voluntary cancellation of its pay telephone certificate number 4473?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of pay telephone certificate number 4473 with an effective date of December 31, 1998. (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 this company had not submitted the regulatory assessment fees for 1997, along with statutory penalty and interest charges for the year 1997.

Prior to Order No. PSC-99-0055-FOF-TC being issued on January 6, 1999, the company paid the regulatory assessment fees for 1997 and 1998, plus the statutory penalty and interest charges and requested voluntary cancellation of its pay telephone certificate. The company advised staff that it is no longer in the pay telephone business. (ATTACHMENT A)

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Accordingly, staff believes the company's request for a voluntary cancellation of its pay telephone certificate should be granted with an effective date of December 31, 1998.

ISSUE 2: Should this docket be closed?

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

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.

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ATTACHMENT A
Group

REAL ESTATE INVESTMENTS • GENERAL CONTRACTORS

902 CLINT MOORE ROAD, SUITE 124
BOCA RATON, FLORIDA 33487
PHONE: 561-994-3133 • FAX: 561-241-0646

1569
100.00 RA,
18.00 P+I
12/8/98
R

DEPOSIT DATE
D046 **DEC 15 1998**

December 8, 1998

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED

DEC 21 1998

RE: Docket # 981272-TC
Morton Group, Inc.

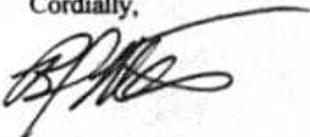
CMU

Dear Ms. Isler:

Per our telephone conversation yesterday, let this letter serve as notice of voluntary cancellation of certificate for the above referenced docket number. Also, please find enclosed a check in the amount of \$118.00 satisfying past due 1997 & 1998 balance, additional penalties and fees.

Please call me at your earliest convenience with any questions that you may have regarding same.

Cordially,



Morton Group, Inc.
Bradley Morton
Enc.

Boza Isler
RAR

MAIL ROOM
ADMINISTRATIVE
DEC 15 1998
-4-
US MAIL