

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: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *PK* *HW*  
DIVISION OF LEGAL SERVICES (B. KEATING) *BK* *MCS*

RE: DOCKET NO. 981206-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 1864 ISSUED TO LIBERTY TEL., 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\981206.RCM

#### CASE BACKGROUND

Liberty Tel., Inc. obtained Florida Public Service Commission Pay Telephone Certificate No. 1864 on February 8, 1988.

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.

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FFSC RECORDS-REPORTING

After the docket was opened, Ms. Angela B. Green, General Counsel for the Florida Public Telecommunications Association, wrote staff on October 5, 1998, and advised that the owner of this company was gravely ill and asked staff to allow the company time to resolve this matter informally. (ATTACHMENT A) On November 12, 1998, the company wrote and asked that the certificate be canceled since the business had been sold. (ATTACHMENT B) Staff delayed taking this matter before the Commission to allow the company time to pay the past due charges. The Division of Administration records show that the past due charges were paid on February 9, 1999. Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant Liberty Tel., Inc. a voluntary cancellation of its pay telephone certificate number 1864?

**RECOMMENDATION:** Yes. The Commission should grant the company a voluntary cancellation of pay telephone certificate number 1864 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.

After the docket was opened, Ms. Angela B. Green, General Counsel for the Florida Public Telecommunications Association, wrote staff on October 5, 1998, and advised that the owner of this company was gravely ill and asked staff to allow the company time to resolve this matter informally. (ATTACHMENT A) On November 12, 1998, the company wrote and asked that the certificate be canceled since the business had been sold. (ATTACHMENT B) Staff delayed taking this matter before the Commission to allow the company time

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to pay the past due charges. The Division of Administration records show that the past due charges were paid on February 9, 1999.

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. (B. Keating)

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



October 5, 1998

Mr. Richard Moses  
Engineering Supervisor  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 981206-TC; Liberty Tel., Inc. Show Cause Docket

Dear Mr. Moses:

I am sending you this letter as a follow-up to our discussion regarding the above-referenced docket. I understand that the Commission has opened a show cause docket for Liberty Tel., Inc. for failure to file its regulatory assessment fee report which was due by January 30, 1998.

I am writing to ask that the Commission not proceed with a show cause against the company at this time. Please be assured that Ms. McLellan, the owner of the company, did not willfully fail or refuse to file this form and pay the associated fee. Ms. McLellan has always taken her legal and regulatory responsibilities seriously and if she did fail to file this report, it could only have been due to an oversight. As I explained when we talked, Ms. McLellan is gravely ill with advanced cancer and her parents are attempting to hold the company together until it can be sold. We would all sincerely appreciate it if the Commission would give us a chance to resolve this matter on an informal basis, given these circumstances.

Since I became aware that the Commission has not received the required filing, I have been in touch with Ms. McLellan's mother who has contacted her accountant. They have both assured me that they will get this filing made and the fee paid just as soon as possible. I hope the Commission will find this a satisfactory solution.

Thank you again for your willingness to discuss this matter and to consider alternatives. Please do not hesitate to contact me if you have any questions or if I can assist any further.

Sincerely,

Angela B. Green  
General Counsel

copy to: Liberty Tel., Inc.

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ATTACHMENT B

*CMU/Isk*  
(981206-TC)

*Florida Public Service Commission*

*Business as usual Plan  
cancel certificate No 1864  
issued to  
Liberty Tel. Inc*

MAIL ROOM  
ADMINISTRATION

NOV 12 11 49 AM '98

RECEIVED

RECEIVED

NOV 13 1998

CMU

Liberty Tel., Inc.  
P.O. Box 640338  
Miami, Florida 33164



*Florida Public Service Commission  
2540 Shumard Lake Blvd  
Tallahassee, Florida 32399-0850*

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