

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-**

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**DATE:** MARCH 18, 1999

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

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *Pij*  
DIVISION OF LEGAL SERVICES (K. PEÑA; COX) *WMP WPC mcs*

**RE:** CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS  
CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C.,  
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 981191-TC - JACKSON MEMORIAL HOSPITAL  
DOCKET NO. 981317-TC - LUNA SEA MOTEL OF COCOA BEACH,  
INC.  
DOCKET NO. ~~981317-TC~~ - CARLOS INVESTMENTS INC. OF DADE  
COUNTY  
DOCKET NO. 981440-TC - RICHARD L. STURGEON  
DOCKET NO. 981446-TC - DAYTONA BEACH (FL) ASSEMBLY HALL  
OF JEHOVAH'S WITNESSES, INC.  
DOCKET NO. 981449-TC - POWER PHONE COMMUNICATIONS, INC.

**AGENDA:** 03/30/99 - REGULAR AGENDA - INTERESTED PERSONS MAY  
PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981191.RCM

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**CASE BACKGROUND**

1) Docket No. 981191-TC - Jackson Memorial Hospital - This  
company obtained Certificate No. 2552 on 08/29/90. The Division of  
Administration mailed the 1997 regulatory assessment fee (RAF)  
notice by certified mail. The United States Postal Service (USPS)  
returned the receipt, which showed that the RAF notice was signed

DOCUMENT NUMBER-DATE

03514 MAR 18 99

FPSC-RECORDS/REPORTING

DOCKET NO. 981191-TC, 981317-TC, 981414-TC, 981440-TC, 981446-TC,  
981449-TC

DATE: MARCH 18, 1999

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 years 1991, 1994, 1995, 1996, and 1997.

This item was deferred from the December 1, 1998 Agenda Conference. Staff contacted the company and was 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. 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.

2) Docket No. 981317-TC - Luna Sea Motel of Cocoa Beach, Inc. - This company obtained Certificate No. 4993 on 12/25/96. The Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned the receipt, 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 1996 and 1997 RAF, plus statutory penalty and interest charges for the years 1996 and 1997.

On January 5, 1999, Order No. PSC-99-0032-FOF-TC was issued which imposed a \$500 fine and required payment of the fine and past due regulatory assessment fees by February 2, 1999. After the Order was issued, Mr. Charlie Gretnier, President, called staff 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. 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.

3) Docket No. 981414-TC - Carlos Investments Inc. Of Dade County - This company obtained Certificate No. 5088 on 03/07/97. The Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned the receipt, 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.

After the docket was opened, but prior to the recommendation being filed, Mr. Sami Farah, Partner, called staff and advised that the company wanted to keep its certificate, would pay the past

DOCKET NO. 981191-TC, 981317-TC, 981414-TC, 981440-TC, 981446-TC,  
981449-TC  
DATE: MARCH 18, 1999

due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. 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.

4) Docket No. 981440-TC - Richard L. Sturgeon - This company obtained Certificate No. 5387 on 07/18/97. The Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned the receipt, which showed that the RAF notice was signed for and delivered on December 16, 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.

After the docket was opened, but prior to the recommendation being filed, Mr. Richard Sturgeon, Owner, called staff 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. 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.

5) Docket No. 981446-TC - Daytona Beach (FL) Assembly Hall of Jehovah's Witnesses, Inc. - This company obtained Certificate No. 5389 on 07/18/97. The Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned the receipt, which showed that the RAF notice was signed for and delivered on December 18, 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.

On January 26, 1999, Order No. PSC-99-0161-FOF-TC was issued, which imposed a \$500 fine and required payment of the past due fees and fine by February 23, 1999. After the January 5, 1999 Agenda Conference but prior to the Order being issued, Mrs. Cora Heien called staff on behalf of the Assembly Hall and advised it 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. 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.

DOCKET NO. 981191-TC, 981317-TC, 981414-TC, 981440-TC, 981446-TC,  
981449-TC  
DATE: MARCH 18, 1999

6) Docket No. 981449-TC - Power Phone Communications, Inc. - This company obtained Certificate No. 5425 on 08/14/97. The Division of Administration mailed the 1997 RAF notice by certified mail. The USPS returned the receipt, 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.

On January 26, 1999, Order No. PSC-99-0161-FOF-TC was issued, which imposed a \$500 fine and required payment of the past due fees and fine by February 23, 1999. After the January 5, 1999 Agenda Conference but prior to the Order being issued, Ms. Elizabeth Gonzalez, Owner, called staff and advised 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. 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.

Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offers proposed by each company listed on page 6 to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should accept each company's settlement offer as listed on page 6. Any contribution should be paid by the companies within five business days from the effective date of the Commission Order. The Commission should forward the contributions 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

DOCKET NO. 981191-TC, 981317-TC, 981414-TC, 981440-TC, 981446-TC,  
981449-TC

DATE: MARCH 18, 1999

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 each company listed on page 6 had not submitted the 1997 regulatory assessment fees, along with statutory penalty and interest charges for the year 1997. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Accordingly, staff believes the terms of the settlement agreements as summarized in this recommendation should be accepted. Any contribution should be paid by the companies within five business days from the effective date of the Commission Order. The Commission should forward the contributions 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 these dockets be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$100 contributions, these dockets should be closed. (K. Peña; Cox)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contributions, these dockets should be closed. The contributions 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.

DOCKET NO. 981191-TC, 981317-TC, 981414-TC, 981440-TC, 981446-TC,  
981449-TC

DATE: MARCH 18, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>Settlement Amount</u>
981191-TC	Jackson Memorial Hospital	2552	\$100
981317-TC	Luna Sea Motel of Cocoa Beach	4993	\$100
981414-TC	Carlos Investments Inc. Of Dade County	5088	\$100
981440-TC	Richard L. Sturgeon	5387	\$100
981446-TC	Daytona Beach (FL) Assembly Hall of Jehovah's Witnesses	5389	\$100
981449-TC	Power Phone Communications, Inc.	5425	\$100