

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-8859

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

DATE: MARCH 18, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pit*
DIVISION OF LEGAL SERVICES (WATTS) *MBW CBW*

RE: DOCKET NO. 981486-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 5092 ISSUED TO EAGLE LIQUIDATORS OF MIAMI INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981486.RCM

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CASE BACKGROUND

Eagle Liquidators of Miami Inc. obtained Florida Public Service Commission Pay Telephone Certificate No. 5092 on March 7, 1997.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the unopened envelope stamped "return to sender" and "attempted, not known."

The Division of Administration advised staff by memorandum that this company had not paid its 1997 RAF, plus the 1997 statutory penalty and interest charges.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Staff called the telephone number listed in the Master Commission Directory for this company, but was unsuccessful in reaching the company. Staff then called Directory Assistance, but no new listing was provided.

Order No. PSC-99-0100-FOF-TC was issued on January 20, 1999, which imposed a \$1,000 fine and ordered payment of the past due fees and fine or cancellation of the company's certificate. After the January 5, 1999 Agenda Conference, but prior to the Order being issued, the company paid the past due charges, plus the 1998 RAFs, on January 13, 1999 and requested voluntary cancellation of its certificate. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Eagle Liquidators of Miami Inc. a voluntary cancellation of its PATS Certificate No. 5092?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its PATS certificate 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 the company had not submitted the 1997 regulatory assessment fees, along with the 1997 statutory penalty and interest charges.

Staff called the telephone number listed in the Master Commission Directory for this company, but was unsuccessful in reaching the company. Staff then called Directory Assistance, but no new listing was provided.

Order No. PSC-99-0100-FOF-TC was issued on January 20, 1999, which imposed a \$1,000 fine and ordered payment of the past due fees and fine or cancellation of the company's certificate. After the January 5, 1999 Agenda Conference, but prior to the Order being

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issued, the company paid the past due charges, plus the 1998 RAFs, on January 13, 1999 and requested voluntary cancellation of its certificate.

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. (Watts)

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