

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 18, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Dij* *EB* *MB*
DIVISION OF LEGAL SERVICES (WATTS; B. KEATING; MCKINNEY) *JEM*

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. 981172-TC - LEE COUNTY LAUNDROMAT, INC.
DOCKET NO. ~~981207-TC~~ - DOWNTOWN MOTEL CORPORATION
DOCKET NO. 981277-TC - KEVIN RUSSELL GALLAGHER
DOCKET NO. 981333-TC - JONATHAN R. COUPVILLE
DOCKET NO. 981599-TC - ANDREA MILLER

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981172.RCM

CASE BACKGROUND

1) Docket No. 981172-TC - Lee County Laundromat, Inc. - This company obtained Florida Public Service Commission PATS Certificate No. 2734 on 06/08/91. 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 18, 1997. The Division of Administration advised staff by memorandum that this company had not paid its 1996

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and 1997 RAF, plus the 1991, 1995, 1996, and 1997 statutory penalty and interest charges.

On December 18, 1998, Order No. PSC-98-1713-FOF-TC was issued, which imposed a \$500 fine and required payment of the fine and fees. The company has now paid all past due charges and requested voluntary cancellation of its certificate because the laundromat had been sold.

2) Docket No. 981207-TC - Downtown Motel Corporation - This company obtained Florida Public Service Commission PATS Certificate No. 2062 on 07/12/88. The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt 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 1996 and 1997 RAF, plus the 1991, 1996, and 1997 statutory penalty and interest charges.

On December 10, 1998, Order No. PSC-98-1680-FOF-TC was issued, which imposed a \$500 fine and required payment of the fine and fees. The company has now paid all past due charges and requested voluntary cancellation of its certificate because it is no longer in the pay telephone business.

3) Docket No. 981277-TC - Kevin Russell Gallagher - This company obtained Florida Public Service Commission PATS Certificate No. 4538 on 03/19/96. The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt which showed that the RAF notice was signed for and delivered on December 12, 1997. The Division of Administration advised staff by memorandum that this company had not paid its 1996 and 1997 RAF, plus the 1996 and 1997 statutory penalty and interest charges.

On January 5, 1999, Order No. PSC-99-0030-FOF-TC was issued, which imposed a \$500 fine and required payment of the fine and fees. The company has now paid all past due charges and requested voluntary cancellation of its certificate because it is no longer in the pay telephone business.

4) Docket No. 981333-TC - Jonathan R. Courville - This company obtained Florida Public Service Commission PATS Certificate No. 4513 on 06/01/96. The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt 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 1996 and 1997 RAF, plus the 1991, 1996, and 1997 statutory penalty and interest charges.

On January 5, 1999, Order No. PSC-99-0028-FOF-TC was issued, which imposed a \$500 fine and required payment of the fine and fees. The company has now paid all past due charges and requested voluntary cancellation of its certificate because it is no longer in the pay telephone business.

5) Docket No. 981599-TC - Andrea Miller - This company obtained Florida Public Service Commission PATS Certificate No. 5456 on 10/07/97. The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The USPS returned the receipt which showed that the RAF notice was signed for and delivered on December 23, 1997. 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.

On January 29, 1999, Order No. PSC-99-0171-FOF-TC was issued, which imposed a \$500 fine and required payment of the fine and fees. The company has now paid all past due charges and requested voluntary cancellation of its certificate because it is no longer in the pay telephone business.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the companies as listed on page 5 a voluntary cancellation of their pay telephone certificates?

RECOMMENDATION: Yes. The Commission should grant each company's request as listed on page 5 a voluntary cancellation of their pay telephone certificates 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.

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

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, these dockets should be closed. (Watts; B. Keating; McKinney)

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

DOCKET NO. 981172-TC, 981207-TC, 981277-TC, 981333-TC, 981599-TC
DATE: MARCH 18, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>
981172-TC	Lee County Laundromat, Inc.	2734
981207-TC	Downtown Motel Corporation	2062
981277-TC	Kevin Russell Gallagher	4538
981333-TC	Jonathan R. Courville	4613
981599-TC	Andrea Miller	5456