

State of Florida



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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REC'D DIVISION OF RECORDS AND REPORTING

DATE: APRIL 8, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *RTT*  
DIVISION OF LEGAL SERVICES (WATTS) *CBW RB*

RE: DOCKET NO. 981276-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 4519 ISSUED TO THE CLUB NETWORK OF NORTH FLORIDA, INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 04/20/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981276.RCM

### CASE BACKGROUND

The Club Network of North Florida, Inc. obtained Florida Public Service Commission Pay Telephone Certificate No. 4519 on February 27, 1996.

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 the notice was signed for and received on December 24, 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.

DOCUMENT NUMBER-DATE  
04525 APR-89  
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Order No. PSC-99-0030-FOF-TC was issued January 5, 1999, and imposed a \$500 fine or canceled the company's certificate for nonpayment of the 1997 regulatory assessment fees. After the Commission voted on this matter at the December 15, 1998 Agenda Conference but prior to the Order being issued, the company wrote a letter dated December 30, 1998, requesting voluntary cancellation of its certificate as it was no longer in the pay telephone business. The company advised that the 1998 regulatory assessment fees would be paid "prior to January 30, 1999." The Division of Administration records show that the 1997 regulatory assessment fees, including statutory penalty and interest charges, were paid on December 28, 1998. However, Administration's records showed that as of February 22, 1999, the company had not paid the 1998 RAFs as promised. This docket was deferred from the March 16, 1999 Agenda Conference after the company contacted staff and advised that the 1998 RAFs had been paid. Staff contacted the Division of Administration and was advised that, inadvertently, the payment was improperly posted, but had now been corrected. Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant The Club Network of North Florida, Inc. a voluntary cancellation of its PATS Certificate No. 4519?

**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.

Order No. PSC-99-0030-FOF-TC was issued January 5, 1999, and imposed a \$500 fine or canceled the company's certificate for

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nonpayment of the 1997 regulatory assessment fees. After the Commission voted on this matter at the December 15, 1998 Agenda Conference but prior to the Order being issued, the company wrote a letter dated December 30, 1998, requesting voluntary cancellation of its certificate as it was no longer in the pay telephone business. The company advised that the 1998 regulatory assessment fees would be paid "prior to January 30, 1999." The Division of Administration records show that the 1997 regulatory assessment fees, including statutory penalty and interest charges, were paid on December 28, 1998. However, Administration's records showed that as of February 22, 1999, the company had not paid the 1998 RAFs as promised. This docket was deferred from the March 16, 1999 Agenda Conference after the company contacted staff and advised that the 1998 RAFs had been paid. Staff contacted the Division of Administration and was advised that, inadvertently, the payment was improperly posted, but had now been corrected.

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.