

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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REC'D DIVISION OF RECORDS AND REPORTING

DATE: APRIL 8, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *ISLER*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *MUB JKP*

RE: DOCKET NO. 981528-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 4672 ISSUED TO EDWARD DEMATTEIS 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: 04/20/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981528.RCM

### CASE BACKGROUND

Edward DeMatteis obtained Florida Public Service Commission Pay Telephone Certificate No. 4672 on July 13, 1996.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) did not return the receipt or unopened envelope.

The Division of Administration advised staff by memorandum that this company had not paid its 1996 and 1997 RAFs, plus the 1996 and 1997 statutory penalty and interest charges.

DOCUMENT NUMBER DATE

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REPORTING

The Division of Records and Reporting notified staff by memorandum that other mail had been returned from the USPS stamped "return to sender" and "insufficient address."

On February 9, 1999, Order No. PSC-99-0225-FOF-TC was issued which imposed a \$1,000 fine and required the company to the past due fees and fine or its certificate would be canceled. After the Order was issued, Mrs. Susan DeMatteis called staff and advised that it had not been in business since 1996 and requested voluntary cancellation of its certificate and advised the past due charges would be paid. The company subsequently paid all past due charges, including 1998 RAFs, provided staff with its correct address, and requested voluntary cancellation of its certificate. Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant Edward DeMatteis a voluntary cancellation of its PATS Certificate No. 4672?

**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 advised staff by memorandum that this company had not paid its 1996 and 1997 RAFs, plus the 1996 and 1997 statutory penalty and interest charges.

The Division of Records and Reporting notified staff by memorandum that other mail had been returned from the USPS stamped "return to sender" and "insufficient address."

On February 9, 1999, Order No. PSC-99-0225-FOF-TC was issued which imposed a \$1,000 fine and required the company to the past due fees and fine or its certificate would be canceled. After the Order was issued, Mrs. Susan DeMatteis called staff and advised

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that it had not been in business since 1996 and requested voluntary cancellation of its certificate and advised the past due charges would be paid. The company subsequently paid all past due charges, including 1998 RAFs, provided staff with its correct address, 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. (K. Peña)

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