

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 31, 1999

RE: Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 990904-TC - Starke Uniform Mfg. Co., Inc.  
DOCKET NO. 990906-TC - Ronald Lincas

Issue 1: Should the Commission impose a \$500 fine or cancel the PATS certificates issued to each company listed on page 6 of staff's August 19, 1999 memorandum for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies?

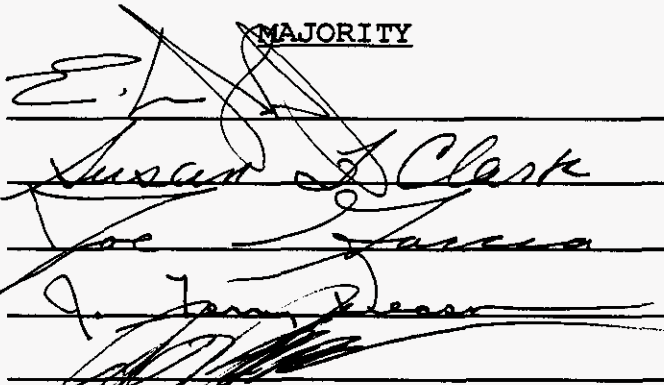
Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 6 if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within five business days after conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10516 SEP-2 8

VOTE SHEET

AUGUST 31, 1999

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

(Continued from previous page)

364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the pay telephone certificates listed on page 6 should be canceled effective on the date of issuance of the Consummating Order.

**APPROVED**

Issue 2: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 6 for apparent violation of Rule 25-24.520, F.A.C., Reporting Requirements?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the companies' respective certificates if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, and fine are not received by the Commission within five business days after conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the pay telephone certificates listed on page 6 should be canceled effective on the date of issuance of the Consummating Order.

**APPROVED**

VOTE SHEET

AUGUST 31, 1999

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

(Continued from previous page)

Issue 3: Should these dockets be closed?

Recommendation: Yes. These dockets should be closed upon receipt of the fines and fees or cancellation of the certificates, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order.

**APPROVED**



# 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:** AUGUST 19, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Dip* *TD*  
DIVISION OF LEGAL SERVICES (K. PEÑA; C. BEDELL) *KMP* *CB*

**RE:** CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS  
CERTIFICATE FOR VIOLATION OF RULES 25-4.0161, F.A.C.,  
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES,  
AND 25-24.520, F.A.C., REPORTING REQUIREMENTS

DOCKET NO. 990904-TC - STARKE UNIFORM MFG. CO., INC.  
DOCKET NO. 990906-TC - RONALD LINCAS

**AGENDA:** 08/31/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990904.RCM

### CASE BACKGROUND

Each of the certificated pay telephone providers listed on page 6 were mailed the 1998 regulatory assessment fee (RAF) notice on December 10, 1998. Payment was due February 1, 1999. When full payment had not been paid, the Division of Administration mailed a delinquent letter to the companies. As of August 12, 1999, none of the companies have paid the past due amount.

In addition, other correspondence to the companies listed on page 6 was returned by the United States Postal Service (USPS).

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

09866 AUG 19 99

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel the PATS certificates issued to each company listed on page 6 for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 6 if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within five business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the pay telephone certificate numbers listed on page 6 should be canceled effective on the date of issuance of the Consummating Order. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, 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's records show that each of the pay telephone providers listed on page 6 had not paid their 1998 regulatory assessment fees in full, plus statutory penalties and interest. Therefore, the companies have failed to comply with Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with the Commission rules or cancel the companies respective certificate numbers if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within five business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are

DOCKET NOS. 990904-TC, 990906-TC  
DATE: AUGUST 19, 1999

not received, the pay telephone certificate numbers listed on page 6 should be canceled effective on the date of issuance of the Consummating Order.

**ISSUE 2:** Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 6 for apparent violation of Rule 25-24.520, F.A.C., Reporting Requirements?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel the companies' respective certificate numbers if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, and fine are not received by the Commission within five business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the pay telephone certificate numbers listed on page 6 should be canceled effective on the date of issuance of the Consummating Order. (Isler)

**STAFF ANALYSIS:** Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.514, F.A.C., Cancellation of a Certificate, establishes the requirements for cancellation of a pay telephone company certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Pursuant to Rule 25-24.520, F.A.C., Reporting Requirements, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. Mail sent to each of the companies listed on page 6 was returned to the Commission by the USPS. It is been well over 10 days and staff has not been informed of the providers' correct mailing address, phone number, or liaison information, nor has the company requested cancellation of its certificate in compliance with Rule 25-24.514, F.A.C., Reporting Requirements.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with the Commission rules or cancel the companies' respective certificate numbers if the fine and information required by Rule 25-24.520, F.A.C., Reporting Requirements, are not received by the Commission within five

business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the pay telephone certificate numbers listed on page 6 should be canceled effective on the date of issuance of the Consummating Order.

**ISSUE 3:** Should these dockets be closed?

**RECOMMENDATION:** Yes, these dockets should be closed upon receipt of the fines and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. (K. Peña; C. Bedell)

**STAFF ANALYSIS:** Whether staff's recommendation on Issues 1 and 2 are approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.



DOCKET NOS. 99090-TC, 990906-TC  
DATE: AUGUST 19, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>RAFs</u>	<u>P and I</u>
990904-TC	Starke Uniform Mfg. Co., Inc.	2230	1996 1998	1996 1998
990906-TC	Ronald Lincas	2753	1998	1997 1998