



# 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 (BAYO)

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

**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. 990908-TC - RICHARD O. AND ANN C. HANCE  
DOCKET NO. 990909-TC - B. AND I. COFFEE SHOP, INC.  
DOCKET NO. 990910-TC - DTI, INC.  
DOCKET NO. 990911-TC - OPTI TEL, INC.

**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\990908.RCM

RECEIVED - FPSC  
 AUG 19 11:11:01  
 REPORTING AND RECORDS

### CASE BACKGROUND

Each of the certificated pay telephone providers listed on page 4 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.

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

09867 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 4 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 4 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 4 should be canceled effective on the date of issuance of the Consummating Order. (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's records show that each of the pay telephone providers listed on page 4 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, Florida Administrative Code, 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 not received, the pay telephone certificate numbers listed on page

DOCKET NOS. 990908-TC, 990909-TC, 990910-TC, 990911-TC  
DATE: AUGUST 19, 1999

4 should be canceled effective on the date of issuance of the Consummating Order.

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, these dockets should be closed upon receipt of the fine 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 Issue 1 is 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. 990908-TC, 990909-TC, 990910-TC, 990911-TC  
DATE: AUGUST 19, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>RAFs</u>	<u>P and I</u>
990908-TC	Richard O. and Ann C. Hance	3359	1998	1993 1995 1996 1998
990909-TC	B. and I. Coffee Shop, Inc.	3383	1997 Bal. 1998	1994 1998
990910-TC	DTI, Inc.	3456	1998	1996 1997 1998
990911-TC	Opti Tel, Inc.	3606	1998	1993 1995 1998