

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0830

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RECORDS AND REPORTING

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**DATE:** OCTOBER 7, 1999

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

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *DiJ*  
DIVISION OF LEGAL SERVICES (K. PEÑA; BEDELL) *WMP Bk2/ra*

**RE:** DOCKET NO. 991193-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5607 ISSUED TO PAYPHONE CONNECTION INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

**AGENDA:** 10/19/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991193.RCM

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### CASE BACKGROUND

- **04/16/98** - This company obtained Florida Public Service Commission PATS Certificate No. 5607.
- **12/10/98** - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to February 1, 1999.
- **01/28/99** - The company returned the 1998 RAF form and reported revenues of \$896.16 for the period ending December 31, 1998.

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The company enclosed a check for \$1.34, which is less than the \$50.00 minimum amount due.

- **09/21/99** - Mr. David L. Stewart, representative for the company, called staff and advised that he would pay the past due amount, including statutory penalty and interest charges, and make a settlement offer to resolve this case.
- **09/24/99** - The Commission received the company's past due regulatory assessment fees, including penalty and interest charges, and the company's proposal to pay a settlement of \$100 and pay future fees on a timely basis.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Payphone Connection Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively. (Isler)

**STAFF ANALYSIS:** On September 21, 1999, after the docket was opened, but prior to a recommendation being filed Mr. David Stewart, the company's representative, called staff and advised he intended to pay the past due amount, including statutory penalty and interest charges, and make a settlement offer. On September 24, the Commission received the past due amount in full. In addition, the company offered a settlement in the amount of \$100 and proposed to pay future RAFs on a timely basis.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (K. Peña; Bedell)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.