

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: NOVEMBER 4, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (K. PEÑA) *WMP*

RE: DOCKET NO. 991247-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 2250 ISSUED TO WALKER MEMORIAL HOSPITAL FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 11/16/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991247.RCM

CASE BACKGROUND

- 03/24/89 - Walker Memorial Hospital obtained PATS Certificate No. 2250.
- 12/10/98 - The Division of Administration mailed the regulatory assessment fee (RAF) notice.
- 02/01/99 - Payment was due.
- 03/17/99 - The Division of Administration mailed a delinquent notice to the company.
- 02/09/99 - The company advised staff that it wished to change its name to Florida Hospital Heartland Medical Center. Staff advised the company that Department of State, Division of

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FPSC-RECORDS/REPORTING

Corporations' records show that Walker Memorial Hospital is not a fictitious name or a corporation, that the new name is a fictitious name, and that the new name it is owned by Adventist Health System/Sunbelt, Inc. Staff advised that the company would have to cancel its current certificate and apply for a new certificate.

- 04/16/99 - The company requested cancellation of Walker's certificate and asked that a new application be mailed. The application was mailed.
- 07/20/99 - Staff wrote the company about the status and enclosed another application. Staff also advised the company that a voluntary cancellation could not be processed since regulatory assessment fees, including penalty and interest were outstanding.
- 08/18/99 - The company responded and advised the hospital had decided not to reapply for a certificate and again requested cancellation of its certificate in the name of Walker Memorial Hospital.
- 09/13/99 - The Division of Administration advised that a check had been received, but that penalty and interest charges were still outstanding.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Walker Memorial Hospital a voluntary cancellation of PATS Certificate No. 2250?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's certificate on its own motion, effective on the date of issuance of the Consummating Order. (Isler)

STAFF ANALYSIS: Staff has been in contact with a representative of Walker Memorial Hospital several times concerning a possible name change, the company's request for cancellation of the certificate, and payment of the past due regulatory assessment fees for 1997 and 1998, plus statutory penalty and interest charges for the years 1991, 1994, 1997, and 1998. The company advised staff on August 18, 1999 that it had decided not to pursue the name change on the certificate and again requested cancellation of its current certificate. On September 13, the company paid the 1997 and 1998 regulatory assessment fees, and a portion of the past due statutory penalty and interest charges.

Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30, or the next business day, 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.

As of October 26, 1999, the past due penalty and interest charges remain unpaid. Accordingly, the Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's certificate on its own motion, effective on the date of issuance of the Consummating Order.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of a Consummating Order 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. (K. Peña; 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, this docket should be closed upon the issuance of a Consummating Order.