

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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**DATE:** NOVEMBER 4, 1999

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

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *PII* *WA*  
DIVISION OF LEGAL SERVICES (K. PEÑA; C. BEDELL) *KMP* *AK*

**RE:** DOCKET NO. 991116-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4924 ISSUED TO JAMES THOMAS ROTHROCK FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 11/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991116.RCM

CASE BACKGROUND

- **08/29/96** - This company obtained PATS Certificate No. 4924.
- **12/10/98** - The 1998 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 02/01/99.
- **09/28/99** - Mr. Rothrock, owner, called staff and advised that he would pay the outstanding balance in full and request voluntary cancellation of his certificate.
- **10/05/99** - At today's Agenda Conference, the Commission voted to fine the company \$500 or cancel its certificate.

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- **10/08/99** - The Commission received the 1998 regulatory assessment fee, plus statutory penalty and interest charges. The company reported no revenues for the period ending December 31, 1998. In addition, the company paid the 1999 regulatory assessment fee, which is not due until January 31, 2000.

Therefore, staff believes the following recommendations are appropriate.

#### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant James Thomas Rothrock a voluntary cancellation of its Pay Telephone Certificate No. 4924?

**RECOMMENDATION:** Yes. The Commission should grant the company a voluntary cancellation of its pay telephone certificate with an effective date of October 8, 1999. (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.

On October 4, 1999, the company contacted staff and advised she would pay the outstanding fees, including statutory penalty and interest charges. The company followed up its phone call with a letter stating this and requested voluntary cancellation of its certificate. The Commission received the company's payment on October 6, which included the 1999 regulatory assessment fee.

Accordingly, staff believes the company's request for a voluntary cancellation of its pay telephone certificate should be granted with an effective date of October 8, 1999.

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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. (K. Peña; C. Bedell)

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