

State of Florida



**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**

RECEIVED-PPSC  
NOV 18 AM 9:51  
RECORDS AND REPORTING

**DATE:** NOVEMBER 18, 1999

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

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *PIG*  
DIVISION OF LEGAL SERVICES (K. PEÑA; C. BEDELL) *LD*

**RE:** DOCKET NO. 991126-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4994 ISSUED TO C. WAYNE COOPER FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 11/30/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991126.RCM

**CASE BACKGROUND**

- **12/25/96** - This company obtained PATS Certificate No. 4994.
- **12/10/98** - The 1998 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 02/01/99.
- **03/17/99** - The Division of Administration mailed a delinquent letter for the 1998 RAF.
- **10/04/99** - Mrs. Wayne Cooper called staff and advised that they have never had any pay telephones. She stated that her husband wrote in July 1998 requesting cancellation of the certificate and will provide staff a copy. She will pay the

DOCUMENT NUMBER-DATE

~~14184~~ NOV 18 99

PPSC-RECORDS/REPORTING

past due balance, including penalty and interest charges, and again request cancellation of their certificate.

- **10/05/99** - The Commission imposed a \$500 fine or canceled the company's certificate at the Agenda Conference.
- **10/11/99** - The Commission received the company's check for the past due amount and a copy of its July 1998 letter requesting cancellation of its certificate.
- **10/22/99** - Order No. PSC-99-2090-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate.

Therefore, staff believes the following recommendations are appropriate.

#### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant C. Wayne Cooper a voluntary cancellation of its Pay Telephone Certificate No. 4994?

**RECOMMENDATION:** Yes. The Commission should grant the company a voluntary cancellation of its pay telephone certificate with an effective date of July 31, 1998. (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 11, 1999, the Commission received the company's payment for the 1998 regulatory assessment fee, including statutory penalty and interest charges for 1996 and 1998. The company enclosed a copy of its letter from 1998 requesting cancellation of its certificate, although staff has no record of receiving the previous letter.

Accordingly, staff believes the company's request for a voluntary cancellation of its pay telephone certificate should be granted with an effective date of July 31, 1998.

DOCKET NO. 991126-TC  
DATE: NOVEMBER 18, 1999

**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.