

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: NOVEMBER 18, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pix RW*
DIVISION OF LEGAL SERVICES (K. PEÑA; C. BEDELL) *skp eb*

RE: DOCKET NO. 991340-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5929 ISSUED TO BRIAN MARTINSON AND JIM SPINELLI 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\991340.RCM

CASE BACKGROUND

- **10/13/98** - This company obtained PATS Certificate No. 5929.
- **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** - Mr. Jim Spinelli, co-owner, called staff and advised that his records show he sent in a check, but that it had not been cashed. He stated he would send in the payment for the 1998 and 1999 regulatory assessment fees and request voluntary cancellation of the certificate.

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FPSC-RECORDS/REPORTING

- **10/19/99** - The Commission received the company's check for the past due amount, including statutory penalty and interest charges, plus the 1999 regulatory assessment fee. The company also requested cancellation of its certificate.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Brian Martinson and Jim Spinelli a voluntary cancellation of its Pay Telephone Certificate No. 5929?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its pay telephone certificate with an effective date of October 19, 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 19, 1999, the Commission received the company's payment for the 1998 regulatory assessment fee, including statutory penalty and interest charges, plus the 1999 RAF, which is not due until January 31, 2000. The company also enclosed a letter requesting cancellation of its certificate.

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 19, 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.