

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) *Dix* *RD*  
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *DK*

RE: DOCKET NO. 991502-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5122 ISSUED TO ROBERT L. GATLIN FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 11/30/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991502.RCM

CASE BACKGROUND

- 04/15/97 - This company obtained PATS Certificate No. 5122.
- 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.
- 04/16/99 - The Commission received a response to our request for updated reporting requirements. The company wrote a note on the form, which stated "I have no phones installed at any location. Considering requesting to cancel certification."

DOCUMENT NUMBER-DATE

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- **07/22/99** - Staff wrote Mr. Gatlin and explained that he currently owed the 1998 regulatory assessment fee and explained that if he wished to cancel his certificate, the past due amount must be paid in full. Staff requested a response by August 6, 1999.
- **09/29/99** - Staff called Mr. Gatlin and left a voice mail message and requested a return call. Mrs. Beverly Gatlin returned staff's call. She stated that they do not have any payphones and that the phones had been sold to someone in Tampa.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant Robert L. Gatlin a voluntary cancellation of PATS Certificate No. 5122?

**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:** The company responded to staff's request for updated Master Commission Directory information with what appeared to be a request for cancellation. Staff wrote the company on July 22 concerning the past due regulatory assessment fees and requested a response by August 6. No response was received. Staff then called the company on September 29. Mrs. Gatlin returned staff's call and stated that she and her husband no longer have any payphones since they were sold and stated she wants their certificate canceled.

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 November 8, the company has not paid the past due balance. 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; B. Keating)

**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.