

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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DEC - 9 AM 10:06
RECORDS AND REPORTING

DATE: DECEMBER 9, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pig*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *ad*

RE: DOCKET NO. 991064-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4561 ISSUED TO MADELON W. SPROUSE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/21/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991064.RCM

CASE BACKGROUND

- **04/09/96** - This company obtained PATS Certificate No. 4561.
- **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.
- **10/05/99** - At the Agenda Conference, the Commission voted to impose a \$500 fine or cancel the company's certificate. Later on October 5, Division of Administration staff advised that Ms. Sprouse had called and advised that when she paid the 1996

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regulatory assessment fee on June 12, 1997, she wrote "Please cancel immediately" on the RAF form.

- **10/22/99** - Order No. PSC-99-2095-PAA-TC was issued which imposed a \$500 fine or canceled the company's certificate.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Madelon W. Sprouse a voluntary cancellation of its Pay Telephone Certificate No. 4561?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its pay telephone certificate with an effective date of June 12, 1997. (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.

After the Commission voted on this docket at October 5 Agenda Conference, on the same date, Ms. Sprouse called the Commission's Division of Administration and advised that she had requested cancellation of her pay telephone certificate when she paid her 1996 RAF on June 12, 1997. Administration staff pulled a copy of the 1996 RAF return, and found that the company had requested cancellation. The company also paid the 1997 RAF on June 12, 1997.

Accordingly, staff believes the company's request for a voluntary cancellation of its pay telephone certificate should be granted with an effective date of June 12, 1997.

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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; B. Keating)

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