

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-

RECORDS AND
REPORTING

99 DEC -9 AM 10:06

RECEIVED-PPSC

DATE: DECEMBER 9, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *uo*
WMP 12

RE: DOCKET NO. 991129-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5037 ISSUED TO WAYNE LAURENTS 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\991129.RCM

CASE BACKGROUND

- **01/07/97** - This company obtained PATS Certificate No. 5037.
- **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.
- **10/22/99** - Order No. PSC-99-2090-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until November 12, 1999, to file a protest.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **11/02/99** - Mr. Laurents called staff and advised that he would pay the past due amount in full, plus the 1999 fee, and request cancellation of his certificate.
- **11/03/99** - The Commission received a check from the company, which paid the 1998 and 1999 regulatory assessment fee, including statutory penalty and interest charges, and requested voluntary cancellation of his certificate.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Wayne Laurents a voluntary cancellation of its Pay Telephone Certificate No. 5037?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its pay telephone certificate with an effective date of November 3, 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 22, 1999, Order No. PSC-99-2090-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until November 12 to protest the Order. On November 3, the Commission received the company's payment for all outstanding regulatory assessment fees, including statutory penalty and interest charges. In addition, the company paid the 1999 fee and requested voluntary 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 November 3, 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; 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.