

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 FPSC
93 DEC - 9 AM 10: 08
RECORDS AND REPORTING

DATE: DECEMBER 9, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Fig D*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *WJ*

RE: DOCKET NO. 991336-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5896 ISSUED TO NORTHSTAR TELECOMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991336.RCM

CASE BACKGROUND

- **08/04/98** - This company obtained Florida Public Service Commission PATS Certificate No. 5896.
- **12/10/98** - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to February 1, 1999.
- **03/17/99** - The Division of Administration mailed a delinquent letter.

DOCUMENT NUMBER-DATE

15043 DEC-99

FPSC-RECORDS/REPORTING

DOCKET NO. 991336-1J
DATE: DECEMBER 9, 1999

- **09/24/99** - Mr. Jeffrey Watson, President, called staff and advised that the past due amount would be paid and advised that a settlement offer would be proposed.
- **10/08/99** - The company wrote, provided its updated reporting requirements, and paid the 1998 fee, plus statutory penalty and interest charges.
- **11/10/99** - The company wrote and stated that it would provide the Commission with updated reporting requirements within 10 days of a change, had taken steps to prevent late payments of the RAF in the future, and proposed a settlement of \$200.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by NorthStar Telecommunications, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively. (Isler)

STAFF ANALYSIS: After the docket had been opened, but prior to staff taking a recommendation to the Agenda Conference, the company paid the past due amount in full, including statutory penalty and interest charges, offered a settlement in the amount of \$200, proposed to pay future RAFs on a timely basis, and proposed to notify the Commission within 10 days of a change of address and telephone number.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively.

DOCKET NO. 991336-10
DATE: DECEMBER 9, 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 upon receipt of the \$200 contribution or cancellation of the certificate. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate.