

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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RECEIVED-PPSC
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RECORDS AND REPORTING

DATE: FEBRUARY 3, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Dir* *RD*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *WMP* *BK*

RE: DOCKET NO. 991345-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5971 ISSUED TO THETA COMM, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 02/15/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991345.RCM

CASE BACKGROUND

- 12/22/98 - This company obtained Florida Public Service Commission Pay Telephone Certificate No. 5971.
- 02/01/99 - The 1998 regulatory assessment fee (RAF) was due.
- 03/17/99 - The Division of Administration mailed a delinquent letter.
- 11/22/99 - Mr. Don Strickland called staff and advised that the past due amount would be paid and advised that a settlement offer would be proposed.

DOCUMENT NUMBER-DATE

01447 FEB-28.

FPSC-RECORDS/REPORTING

- **11/30/99** - The Commission approved staff's recommendation to fine the company \$500 or cancel its certificate at the Agenda Conference.
- **12/06/99** - The Commission received the company's past due amount, including statutory penalty and interest charges, along with a letter from the company which proposed to pay a \$100 settlement and advised that future fees would be paid on a timely basis. The company reported no revenues for the period ending 12/31/98.
- **12/20/99** - Order No. PSC-99-2479-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 accept the settlement offer proposed by THETA COMM, INC. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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 recommendation was filed on November 18, 1999, but prior to the Order being issued, the company paid the past due amount in full, including statutory penalty and interest charges, and offered a settlement in the amount of \$100 and proposed to pay future RAFs on a timely basis.

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.

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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 upon receipt of the \$100 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 \$100 contribution or cancellation of the certificate.