

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDING AND REPORTING

DATE: FEBRUARY 17, 2000

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

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

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. ~~991343~~-TC - "HOCH AND SONS INCORPORATED"
DOCKET NO. 991349-TC - MICHAEL V. DAVIS

AGENDA: 02/29/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991343.RCM

CASE BACKGROUND

According to Commission records, the companies listed on page 4 had not submitted the 1998 Regulatory Assessment Fee (RAF), along with statutory penalty and interest charges.

After the dockets were opened, the companies listed on page 4 paid the past due amounts in full and proposed to pay future regulatory assessment fees on a timely basis.

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

02156 FEB 17 8

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the settlement offer proposed by each company listed on page 4 to pay regulatory assessment fees in a timely manner and follow up to insure that the fees were received. (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. Since January 30, 1999, fell on a weekend, the due date for the 1998 fees was February 1, 1999.

According to Commission records, the companies listed on page 4 had not submitted the regulatory assessment fee for 1998, along with statutory penalty and interest charges. Therefore, staff opened the dockets. After the dockets were opened, the companies listed on page 4 contacted staff and advised that the 1998 RAF form was never received.

Staff has researched our records and it appears that it is possible a 1998 RAF form was not sent to the companies. Before staff processes applications, each applicant must sign and return an affidavit attesting that the Commission's rules and regulations had been read and understood. In addition, the RAF rule requires payment even if a company does not receive a RAF notice. However, staff believes it is important for a RAF notice to be mailed the first year a company is in business and there is a reasonable doubt a notice was not mailed to the companies.

Due to the extenuating circumstances, staff believes it would serve no purpose to fine the companies. Each company listed on page 4 has now paid the past due amounts in full. In addition, the companies 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.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, these dockets should be closed. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, these dockets should be closed.

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<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT.</u> <u>NO.</u>	<u>RAFs</u>	<u>P and I</u>
991343-TC	"Hoch and Sons Incorporated" \$0 Revenues for Period Ended 12/31/98	5968	1998	1998
991349-TC	Michael V. Davis \$1,619.48 Revenues for Period Ended 12/31/99	5976	1998	1998