

State of Florida



Public Service Commission

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

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RECORDS AND REPORTING

DATE: MARCH 16, 2000
TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)
FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *DK*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *DK*
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. 991253-TC - WATERLINE YACHTS, INC.
- DOCKET NO. 991300-TC - NELLIE DANIEL/VALERIE FERRIS
D/B/A NATIONAL PHONE NETWORK
- DOCKET NO. 991314-TC - K.L. KINARD
- DOCKET NO. 991353-TC - CARL WENGER

AGENDA: 03/28/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991253.RCM

CASE BACKGROUND

The companies listed on page 5 were mailed the 1998 Regulatory Assessment Fee (RAF) Notice and payment was due by 02/01/99. On March 17, 1999, the Division of Administration mailed a delinquent letter for the 1998 RAF.

The Commission issued Orders, which imposed a \$500 fine or canceled the companies' certificates. The companies paid the past

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FPSC-RECORDS/REPORTING

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due amounts, including statutory penalty and interest charges, and requested voluntary cancellation.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the companies listed on page 5 a voluntary cancellation of their Pay Telephone Certificate?

RECOMMENDATION: Yes. The Commission should grant each company a voluntary cancellation of its pay telephone certificate to be effective on the date payment was made and the request for cancellation was 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.

The Division of Administration notified staff that each company listed on page 5 had not submitted the 1998 regulatory assessment fees, along with statutory penalty and interest charges, for the year 1998. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

After Orders were issued, which imposed a \$500 fine or canceled the pay telephone certificates, each company listed on page 5 contacted staff, paid the past due amount in full, including statutory penalty and interest charges, and requested voluntary cancellation of their respective certificates.

Accordingly, staff believes the companies' request for a voluntary cancellation of their respective pay telephone certificate should be granted to be effective on the date payment was made and the request for cancellation was received.

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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, no other issues remain unresolved and 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>Effective Date of Cancellation</u>
991253-TC	Waterline Yachts, Inc. \$0 Revenues for Period Ending 12/31/99	5576	12/20/99
991300-TC	National Phone Network \$0 Revenues for Period Ending 12/31/99	5857	12/31/99
991314-TC	K.L. Kinard \$0 Revenues for Period Ending 12/31/99	5965	12/31/99
991353-TC	Carl Wenger \$50 Revenues for Period Ending 12/31/99	5979	12/31/99