

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-

RECORDS AND REPORTING
03 MAR 23 AM 10:42
RECEIVED - FPSC

DATE: MARCH 23, 2000

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

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

RE: DOCKET NO. 991255-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5589 ISSUED TO ROGHER IMPORTS CORPORATION FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 04/04/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991255.RCM

CASE BACKGROUND

- **03/21/98** - This company obtained Florida Public Service Commission PATS Certificate No. 5589.
- **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

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FPSC-RECORDS/REPORTING

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- **12/07/99** - Order No. PSC-99-2387-PAA-TC was issued. The company had until December 28 to protest the Order.
- **12/15/99** - The Commission received a check for \$50.00 for the 1999 RAF. The company reported no revenues on the 1999 RAF return for the period ended 12/31/99.
- **01/11/00** - Mr. Jean-Marc Geronimos, President, called staff and stated he wanted this resolved.
- **01/24/00** - The Commission received a letter and check for the past due penalty and interest charges for the 1998 RAF.
- **02/21/00** - The Commission received a letter and the company's payment for the 1998 RAF.
- **03/06/00** - The Commission received a letter from the company, which proposed to pay a \$100 settlement and advised that steps had been taken to prevent late payments in the future.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Rogher Imports Corporation 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 No. 5589 should be canceled administratively. (Isler)

STAFF ANALYSIS: After the Order was issued, the company paid the past due amount in full, including the 1999 RAF. In addition, the company has since 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 No. 5589 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.