

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-**

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RECORDS AND REPORTING

**DATE:** APRIL 6, 2000

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

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

**RE:** DOCKET NO. 991849-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5717 ISSUED TO PUBLIC TELEPHONE NETWORK, INC. FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.480(2)(A) AND (B), F.A.C., RECORDS & REPORTS; RULES INCORPORATED.

**AGENDA:** 04/18/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991849.RCM

## CASE BACKGROUND

- **11/03/98** - This company obtained Florida Public Service Commission IXC Certificate No. 5717.
- **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.

DOCUMENT NUMBER-DATE

04238 APR-68

FPSC-RECORDS/REPORTING

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- **03/17/99** - The Division of Administration mailed a delinquent letter.
- **01/25/00** - Mr. John Marks, attorney, called staff on behalf of Public Telephone Network, Inc. Mr. Marks advised that the company's updated reporting requirements would be provided, that the past due amount would be paid, and advised that a settlement offer would be proposed.
- **03/23/00** - The Commission received the company's 1998 and 1999 RAFs, including statutory penalty and interest charges, the company's current address and phone number, and a settlement proposal.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Public Telephone Network, Inc. to resolve the apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated?

**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. 5717 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After the docket had been opened, but prior to staff filing a recommendation, the company paid the 1998 and 1999 past due amounts 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 No. 5717 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 \$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.