

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC
MAY -4 AM 9:28
REPORTING

DATE: MAY 4, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *PK* *TD*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *WMP* *2/2*

RE: DOCKET NO. 991877-TS - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF SHARED TENANT SERVICES CERTIFICATE NO. 5247 ISSUED TO RIFKIN/NARRAGANSETT SOUTH FLORIDA CATV LIMITED PARTNERSHIP D/B/A CABLEVISION COMMUNICATIONS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 05/16/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991877.RCM

CASE BACKGROUND

- **10/22/97** - This company obtained Florida Public Service Commission STS Certificate No. 5247.
- **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.

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FPSC-RECORDS/REPORTING

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- **03/23/00** - Mr. Ken Hoffman, the company's attorney, called staff and asked that this docket be deferred from the March 28, 2000 Agenda Conference. He advised that the company would pay the past due amount and propose a settlement.
- **03/29/00** - The Commission received the company's check for the 1998 and 1999 RAF, including penalty and interest charges, and a letter of settlement. The company reported a revenue loss of \$16,309 for the period ended December 31, 1999.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Rifkin/Narragansett South Florida CATV Limited Partnership d/b/a Cablevision Communications 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. 5247 should be canceled administratively. (Isler)

STAFF ANALYSIS: After staff's recommendation was filed on March 16, but prior to the March 28 Agenda Conference, the company's attorney, Mr. Ken Hoffman, contacted staff. This docket was deferred from the March 28 Agenda Conference. On March 29, the company paid the past due amount in full, including the 1999 RAF, plus statutory penalty and interest charges, and offered to pay a \$100 settlement and proposed to pay future regulatory assessment fees 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. 5247 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.