



# 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-

**DATE:** AUGUST 24, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Pji*  
DIVISION OF LEGAL SERVICES (BANKS) *POB b/v*

**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.

RECEIVED FPSC  
AUG 23 PM 3:34  
RECORDS AND REPORTING

- DOCKET NO. 000893-TC - FARID HAWWA
- DOCKET NO. 000901-TC - PHILLIPS & BROOKS/GLADWIN, INC.
- DOCKET NO. 000908-TC - MILTON MCNEIL
- DOCKET NO. 000914-TC - SUNSHINE PAY PHONES, INC.
- DOCKET NO. 000929-TC - MICCOSUKEE INDIAN BINGO
- DOCKET NO. 000934-TC - CENTRAL FLORIDA COMMUNICATIONS, INC.
- DOCKET NO. 000957-TC - DEBRA A. DIETZ D/B/A J&D INVESTMENTS

**AGENDA:** 09/05/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\000893.RCM

### CASE BACKGROUND

Each of the certificated pay telephone providers listed on page 5 were mailed the 1999 Regulatory Assessment Fee (RAF) notice. When full payment had not been received by the due date, the Division of Administration mailed a delinquent letter to the companies. As of August 16, 2000, none of the companies have paid the past due amount.

DOCUMENT NUMBER-DATE  
10374 AUG 23 8  
FPSC-RECORDS/REPORTING

DOCKET NOS. 000893-TC, 000901-TC, 000908-TC, 000914-TC, 000929-  
TC, 000934-TC, 000957-TC  
DATE: AUGUST 24, 2000

Staff believes the following recommendations are appropriate.

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### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 5 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificate numbers listed on page 5 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.514, Florida Administrative Code, establishes the requirements for cancellation of a pay telephone company certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, 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's records show that each of the pay telephone providers listed on page 5 had not paid its 1999 regulatory assessment fees, plus statutory penalty and interest charges. Therefore, it appears the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and have not requested cancellation of their certificates in compliance with Rule 25-24.514, Florida Administrative Code.

DOCKET NOS. 000893-TC, 000901-TC, 000908-TC, 000914-TC, 000929-TC, 000934-TC, 000957-TC  
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Accordingly, staff recommends that the Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificate numbers listed on page 5 should be canceled administratively.

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. (Banks)

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DOCKET NOS. 000895-TC, 000901-TC, 000908-TC, 000914-TC, 000929-TC, 000934-TC, 000957-TC  
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<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES &amp; PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>P and I</u>
000893-TC	Farid Hawwa 1998 Revenues - \$4,395 For the Period Ended 12/31/98	1694	1999	1999
000901-TC	Phillips & Brooks/Gladwin, Inc. 1998 Revenues - \$0 For the Period Ended 12/31/98	2599	1999	1993 1994 1999
000908-TC	Milton McNeil 1998 Revenues - \$0 For the Period Ended 12/31/98	2581	1999	1991 1992 1995 1996 1997 1998 1999
000914-TC	Sunshine Pay Phones, Inc. 1998 Revenues - \$51,944.77 For the Period Ended 12/31/98	3302	1999	1999
000929-TC	Miccosukee Indian Bingo 1998 Revenues - \$0 For the Period Ended 12/31/98	3465	1996 1999	1994 1995 1996 1998 1999
000934-TC	Central Florida Communications, Inc. 1998 Revenues - \$0 For the Period Ended 12/31/98	3782	1999	1996 1999
000957-TC	J&D Investments 1998 Revenues - \$0 For the Period Ended 12/31/98	4226	1999	1999