

State of Florida



Public Service Commission

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RECORDS AND REPORTING

DATE: AUGUST 24, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij MD*
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE BL*

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. 000911-TC - PAYPHONE CONSULTANTS, INC.
- DOCKET NO. 000925-TC - ST. JOHNS COMMUNICATIONS
- DOCKET NO. 000928-TC - THREE RIVERS PHONE CORP.
- DOCKET NO. 000931-TC - WELLINGTON N. DICKSON
- DOCKET NO. 000933-TC - TEL CALL COMMUNICATION INC.
- DOCKET NO. 000942-TC - THOMAS N. TREGO D/B/A TNT TELCOM
- DOCKET NO. 000958-TC - TOMMIE KELLAR
- DOCKET NO. 000959-TC - NUTREND COMMUNICATIONS, INC.
- DOCKET NO. 000961-TC - JENTEL CORPORATION D/B/A SOUTHERN PHONE

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\000911.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

DOCUMENT NUMBER-DATE

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FPSO-RECORDS/REPORTING

DOCKET NOS. 000911-TC, 000925-TC, 000928-TC, 000931-TC, 000933-TC, 000942-TC, 000958-TC, 000959-TC, 000961-TC
DATE: AUGUST 24, 2000

companies. As of August 16, 2000, none of the companies have paid the past due amount.

Staff believes the following recommendations are appropriate.

DOCKET NOS. 000911-TC, 000925-TC, 000928-TC, 000931-TC, 000933-TC, 000942-TC, 000958-TC, 000959-TC, 000961-TC
DATE: AUGUST 24, 2000

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.

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DATE: AUGUST 24, 2000

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. (Elliott)

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.

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 000942-TC, 000958-TC, 000959-TC, 000961-TC
 DATE: AUGUST 24, 2000

<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT.</u> <u>NO.</u>	<u>RAFs</u>	<u>P and I</u>
000911-TC	Payphone Consultants, Inc. 1998 Revenues - \$25,800 For the Period Ended 12/31/98	3206	1999	1999
000925-TC	St. Johns Communications 1998 Revenues - \$6,857.15 For the Period Ended 12/31/98	3382	1999	1995 1999
000928-TC	Three Rivers Phone Corp. 1998 Revenues - \$541,069.80 For the Period Ended 12/31/98	3457	1999	1999
000931-TC	Wellington N. Dickson 1998 Revenues - \$118.60 For the Period Ended 12/31/98	3654	1999	1999
000933-TC	Tel Call Communication Inc. 1998 Revenues - \$0 For the Period Ended 12/31/98	3715	1997 Bal. 1999	1996 1998 1999
000942-TC	TNT Telcom 1998 Revenues - \$3,200 For the Period Ended 12/31/98	4143	1999	1999
000958-TC	Tommie Kellar 1998 Revenues - \$0 For the Period Ended 12/31/98	4247	1999	1999
000959-TC	Nutrend Communications, Inc. 1998 Revenues - \$0 For the Period Ended 12/31/98	4267	1999	1999
000961-TC	Southern Phone 1998 Revenues - \$0 For the Period Ended 12/31/98	4324	1999	1999