

ORIGINAL

RAR

STATE OF FLORIDA

Commissioners:
J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

August 29, 2000

Ms. Maggie Fleagle
Three Rivers Phone Corp.
2745 Stirrup Lane
Ft. Lauderdale, FL 33331-3020

Re: Docket No. 000928-TC
Three Rivers Phone Corp.

Dear Ms. Fleagle:

This is a follow up to our telephone conversation concerning the above docket. The regulatory assessment fee (RAF) is due each year by January 30 for the previous year, unless the 30th falls on a weekend, then the due date is the next working day. For example, the 1999 fee was due January 31, 2000. The fee is due even though a company may not have installed any payphones or had any revenues.

Commission records show that as of this date, the 1999 RAF has not been paid. Since you said you returned the 1999 RAF return, I am not enclosing another. If you owe only the minimum amount, the 1999 total is \$66.00 (\$50.00 fee, \$12.50 penalty, and \$3.50 interest) if your check is postmarked by August 31, 2000. If your check is postmarked in September 2000, the minimum amount increases to \$66.50 (\$50.00 fee, \$12.50 penalty, and \$4.00 interest).

Since the Commissioners have not yet voted on this docket, you have three options.

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC I
- SER _____
- OTH _____

- (1) Cancel the certificate voluntarily - Pay all past due charges in full, pay the current year's RAF or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling your certificate), and write a letter requesting cancellation. A copy of our rule is attached.
- (2) Do nothing - In this case, your certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection. In addition, Rule 25-24.511(5), F.A.C., states that "Only one certificate per applicant will be granted. A new certificate will not be

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granted to any applicant who has previously had a certificate involuntarily cancelled." This means that if you choose this option, you could not reapply for a new certificate at a later date.

- (3) Propose a settlement - There is normally a \$500 fine imposed for this rule violation. You need to write the Commission a settlement letter that must include the following:
- Docket number;
 - A check for the past due amount in full;
 - A statement that it has taken steps to prevent future late payments of the regulatory assessment fees; and
 - Make a specific monetary settlement.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should not be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.

Your docket is currently scheduled for the 09/05 Agenda Conference. A recommendation has already been filed to impose a \$500 fine for nonpayment of the RAF. However, if the company complies with sections 1 or 3 above, I will file another recommendation to deal with your response.

Please let me know what your decision is within 15 days from the date of this letter, or if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Quality & Compliance

Enclosure

cc: Docket No. 000928-TC
Division of Legal Services (Elliott)

25-24.514 Cancellation of a Certificate.

- (1) The Commission may cancel a company's certificate for any of the following reasons:
- (a) Violation of the terms and conditions under which the authority was originally granted;
 - (b) Violation of Commission rules or orders;
 - (c) Violation of Florida Statutes; or,
 - (d) Failure to provide service for a period of six (6) months.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request.

- (a) Statement of intent and date to pay Regulatory Assessment Fee.
- (b) Statement of why the certificate is proposed to be cancelled.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS.

History--New 1-5-87.