



Public Service Commission

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RECORDS AND REPORTING

DATE: OCTOBER 5, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (BANKS) *dk*

RE: DOCKET NO. 001111-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 6038 ISSUED TO PAYPHONE COMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES, TELECOMMUNICATIONS COMPANIES.

AGENDA: 10/17/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001111.RCM

CASE BACKGROUND

- **04/20/99** - This company obtained PATS Certificate No. 6038.
- **12/08/99** - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 01/31/00.
- **02/29/00** - The Division of Administration mailed the Delinquent Notice.
- **03/22/00** - The Division of Records and Reporting received a note from the company with what appeared to be a request for cancellation of the company's certificate.

DOCUMENT NUMBER-DATE

12539 OCT-30

FPSC-RECORDS/REPORTING

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- **07/19/00** - Staff wrote the company and advised that the 1999 and 2000 RAFs would have to be paid before a voluntary cancellation could be recommended.
- **07/24/00** - Mr. Martin J. Mayblum called staff and advised that it had never gone into the payphone business and wanted its certificate cancelled.
- **08/21/00** - The Commission received a check from the company for the 1999 and 2000 fees, including statutory penalty and interest charges.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Payphone Communications, Inc. a voluntary cancellation of its Pay Telephone Certificate No. 6038?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Pay Telephone Certificate No. 6038 with an effective date of March 22, 2000. (Isler)

STAFF ANALYSIS: 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.

On March 22, 2000, the Commission received a hand-written note from the company advising that it had never "proceeded to function after obtaining the license". Staff wrote the company on July 19, and explained that a voluntary cancellation could not be recommended when a company has an outstanding RAF balance. On July 24, a representative of the company, Martin J. Mayblum, called staff and advised that it had never installed any payphones and wanted its certificate cancelled. Mr. Mayblum advised that he would pay the 1999 and 2000 fees, including statutory penalty and interest charges. The past due amount and the 2000 fee was received on August 21, 2000.

Accordingly, staff believes the company's request for a voluntary cancellation of its Pay Telephone Certificate No. 6038 should be granted with an effective date of March 22, 2000.

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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. (Banks)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.