



Public Service Commission

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RECORDS AND REPORTING

DATE: OCTOBER 5, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Dij*
DIVISION OF LEGAL SERVICES (DANDELAKE) *mlw*

RE: DOCKET NO. 001129-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 6084 ISSUED TO BF GOODMAN FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001129.RCM

CASE BACKGROUND

- 05/21/99 - This company obtained PATS Certificate No. 6084.
- 12/08/99 - The Division of Administration mailed the regulatory assessment fee (RAF) notice. Payment was due January 31, 2000.
- 12/17/99 - The Commission received the company's 1999 RAF notice with the handwritten note "Out of Business" written on it. The company reported no revenues on the RAF notice for the period ended 12/31/99.
- 02/29/00 - The Division of Administration mailed a delinquent notice to the company.

DOCUMENT NUMBER-DATE

12541 OCT-38

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- **06/07/00** - Staff wrote the company and advised that before we could recommend a voluntary cancellation, it needed to pay the 1999 RAF, including penalty and interest charges, and advise when the 2000 fee would be paid.
- **06/16/00** - Mr. Goodman, the owner, called staff and advised that he could not afford to pay the fees. He stated he understood that staff could not recommend a voluntary cancellation.
- **09/27/00** - As of this date, the company has not paid the past due amount.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant BF Goodman a voluntary cancellation of Pay Telephone Certificate No. 6084?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6084 on its own motion, effective on the date of issuance of the Consummating Order. (Isler)

STAFF ANALYSIS: Although the company did return the 1999 RAF Notice, it did not send a check for the minimum amount due. After a delinquent notice had been mailed to the company, staff wrote and explained that a voluntary cancellation could not be recommended when there was an outstanding balance. The company's owner, Mr. Barney F. Goodman, called staff and advised that he could not afford to pay the outstanding fees after losing so much money in this business venture.

Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30, or the next business day, 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.

As of September 27, 2000, the company has not paid the 1999 RAF, including statutory penalty and interest charges, or advised when the 2000 fee would be paid. Accordingly, the Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6084 on its own motion, effective on the date of issuance of the Consummating Order.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order. The docket should then be closed upon receipt of the fees or cancellation of the certificate. (Dandelake)

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, this docket should be closed upon the issuance of a Consummating Order and upon receipt of the fees or cancellation of the certificate.