



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: OCTOBER 5, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (DANDELAK) *MEW B/L*

RE: DOCKET NO. 000913-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE SERVICE CERTIFICATE NO. 3251 ISSUED TO HASAN AKHTAR FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

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RECORDS AND REPORTING

DOCKET NO. 000938-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE SERVICE CERTIFICATE NO. 3932 ISSUED TO PEDRO GONZALEZ 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\000913.RCM

CASE BACKGROUND

On December 8, 1999, the companies listed on page 4 were mailed the 1999 Regulatory Assessment Fee (RAF) Notice and payment was due by January 31, 2000. On February 29, 2000, the Division of Administration mailed a delinquent notice for the 1999 RAF.

After staff's recommendation was filed, but prior to the September 5, 2000 Agenda Conference, the companies listed on page 4 paid the past due amounts in full and offered to pay a \$100

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settlement and proposed to pay future regulatory assessment fees on a timely basis.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept each company's respective settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively. (Isler)

STAFF ANALYSIS: On August 23, 2000, staff filed its recommendation to impose a \$500 fine or cancel each company's respective certificate as listed on page 4 for nonpayment of the 1999 RAF. On August 31, 2000, the Commission received each company's payment for the past due amounts in full, plus settlement proposal. Due to an error, the settlement offers and proof of payment were misfiled and the Commission voted at the September 5 Agenda Conference to impose the fines. On September 25, 2000, the Commissioners were notified via memorandum that an Order based on the September 5 vote would not be issued. Each company listed on page 4 has paid the past due amounts in full. In addition, each company listed on page 4 offered a settlement in the amount of \$100 and proposed to pay future RAFs on a timely basis. These settlement amounts are consistent with amounts accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreements as summarized in this recommendation should be accepted.

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Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Dandelake)

STAFF ANALYSIS: If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

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<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>
000913-TC	Hasan Akhtar \$12,765.85 Revenues for Period Ended 12/31/99	3251	1999	1999
000938-TC	Pedro Gonzalez \$0 Revenues for Period Ended 12/31/99	3932	1999	1999