



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

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RECORDS AND REPORTING

DATE: OCTOBER 26, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pix*
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE 2.27.*

RE: DOCKET NO. 000928-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3457 ISSUED TO THREE RIVERS PHONE CORP. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 11/07/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\000928.RCM

CASE BACKGROUND

- **10/19/93** - This company obtained Florida Public Service Commission PATS Certificate No. 3457.
- **12/10/99** - The Division of Administration mailed the 1999 RAF notice. The due date was January 31, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **08/29/00** - Ms. Maggie Fleagle, representative, called staff and advised that she had filed the 1999 RAF return on January 28, 2000. She stated the company wished to keep its certificate active and resolve this docket.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 000928-1C
DATE: OCTOBER 26, 2000

- **09/05/00** - The Commission received the company's check for the past due RAF, including penalty and interest, and a letter which advised a settlement offer would be submitted. The company reported no revenues for the period ended December 31, 1999.
- **09/25/00** - Order No. PSC-00-1707-PAA-TC was issued, which imposed a \$500 fine or cancelled the company's certificate.
- **09/29/00** - A settlement proposal was received.
- **10/06/00** - Staff called Ms. Fleagle to discuss the company's proposal.
- **10/13/00** - The Commission received the company's amended settlement proposal.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the amended settlement offer proposed by Three Rivers Phone Corp. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's amended 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 the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 3457 should be canceled administratively. (Isler)

STAFF ANALYSIS: After Order No. PSC-00-1707-PAA-TC was issued on September 25, 2000, the Commission received the company's payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges. In addition, on October 13, the Commission received an amended letter from the company which offered a settlement in the amount of \$200 and proposed to pay future RAFs on a timely basis. This settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the amended settlement agreement as summarized in this recommendation should be accepted. 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 the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 3457 should be canceled administratively.

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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 upon receipt of the \$200 contribution or cancellation of the certificate. (Elliott)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate.