

State of Florida



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 26, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PIE*
DIVISION OF LEGAL SERVICES (BANKS) *FRB C.S.F.*

RE: DOCKET NO. 001023-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5541 ISSUED TO EVERCOM SYSTEMS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 001027-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5512 ISSUED TO TERRY ALAN HALL D/B/A COMMUNICALL 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\001023.RCM

RECEIVED-FPSC
00 OCT 25 AM 10:45
RECORDS AND REPORTING

CASE BACKGROUND

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

After the dockets were opened, the companies listed on page 4 paid the past due amounts in full and offered to pay a \$100 settlement and proposed to pay future regulatory assessment fees on a timely basis.

DOCUMENT NUMBER-DATE
13623 OCT 25 00
FPSC-RECORDS/REPORTING

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the amended 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 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 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: After the docket was opened, each company listed on page 4 contacted staff and paid the past due amounts in full. In addition, each company listed on page 4 proposed a settlement that was not in line with prior Commission decisions. The companies were contacted and each company listed on page 4 subsequently offered an amended settlement in the amount of \$100 and proposed to pay future RAFs on a timely basis. The \$100 settlement amounts are consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the Commission should accept the companies' amended settlement proposals. 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.

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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. (Banks)

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>
001023-TC	Evercom Systems, Inc. \$3,766,579 Revenues for Period Ended 12/31/99	5541	1999	1999
001027-TC	Communicall \$0 Revenues for Period Ended 12/31/99	5512	1999	1999