

STATE OF FLORIDA

Commissioners:
J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

ORIGINAL
FILE COPY

Public Service Commission

October 27, 2000

Mr. J. Merritt Guthrie
2843 Quailhollow Road
Clearwater, FL 33761

Re: Docket No. 001040-TC

Dear Mr. Guthrie:

On October 18, 2000, the Commission received your protest to Order No. PSC-00-1784-PAA-TC, in which you advised you paid the \$50 minimum fee on September 10 and paid the outstanding penalty and interest charges for 1998 and 1999 on October 13. Your letter went on to state that the Commission needs to update its internal record keeping to insure timeliness of the required data to avoid costly re-work by certificate holders and the Commission. You advised that you had taken steps to prevent this rule violation in the future and requested that no additional fine be assessed.

As background information, Commission records show that the 1999 Regulatory Assessment Fee notice was mailed to you on December 8, 1999 and was due by January 31, 2000. When payment had not been received, a delinquent notice was mailed to you on February 29, 2000. This docket was opened on August 3, 2000 for noncompliance with the Regulatory Assessment Fee rule. On September 14, 2000, a recommendation was filed to impose a \$500 fine for nonpayment of the fee.

The Commission uses the postmark date as the "paid" date, and our records show that you mailed a check for \$50.00 on September 19, 2000, or five days after the recommendation had been filed. On September 25, 2000, the Commission's Division of Administration, Fiscal Services, mailed a "penalty and interest" letter notifying you that statutory penalty and interest charges were also due because of the late payment. On September 26, 2000, the Commissioners voted at the Agenda Conference to approve staff's recommendation to impose the \$500 fine.

What this means is that although you mailed the \$50.00 payment on September 19, it had not been paid when staff filed its recommendation. In addition, you did not pay the full amount owing, therefore, it would not have been deferred from the September 26 Agenda Conference even if I had been made aware that a \$50.00 payment had been made.

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13925 OCT278

FPSC-RECORDS/REPORTING

Mr. J. Merritt Guthrie

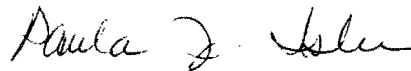
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Under the circumstances, I cannot recommend acceptance of your settlement offer. There are two options at this point. I can take a recommendation to the Commissioners to deny your settlement offer and the Commissioners will decide. The other option would be to modify your settlement offer to propose a monetary settlement amount that is in line with other similar decisions by the Commission.

If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Quality & Compliance

cc: Docket No. 001040-TC
Division of Legal Services (Dandelake)