



# 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:** DECEMBER 20, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Dji*  
DIVISION OF LEGAL SERVICES (BANKS) *FRB* *c. L.F.*

**RE:** DOCKET NO. 000916-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 2814 ISSUED TO SOUTHERN TELEPHONE COMPANY FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES, TELECOMMUNICATIONS COMPANIES AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

**AGENDA:** 01/02/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\000916.RCM

### CASE BACKGROUND

- **09/25/91** - This company obtained Pay Telephone Certificate No. 2814.
- **12/08/99** - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 01/31/00.
- **02/29/00** - The Division of Administration mailed the Delinquent Notice.
- **04/05/00** - The United States Postal Service (USPS) returned mail addressed to this company stamped "return to sender" and "addressee unknown."

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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- **09/25/00** - Order No. PSC-00-1711-PAA-TC was issued, which imposed a \$1,000 fine for nonpayment of the 1999 RAF, plus statutory penalty and interest charges, and not providing the Commission with its updated address. The company had until October 16 to protest the Order.
- **10/09/00** - The Commission received a letter from Mr. Vince DiNitto, President, protesting the Order and providing the company's new address.
- **10/11/00** - Staff wrote the company and advised that the 1999 and 2000 RAFs would have to be paid before a voluntary cancellation could be recommended.
- **10/18/00** - The Commission received payment for the past due amount in full, plus the 2000 fee. The company reported no revenues for the period ended December 31, 2000.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.183, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant Southern Telephone Company a voluntary cancellation of its Certificate No. 2814?

**RECOMMENDATION:** Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 2814 with an effective date of October 9, 2000. (Isler)

**STAFF ANALYSIS:** Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30 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. Rule 25-24.520, Florida Administrative Code, which implements Section 364.183, Florida Statutes, requires certificated companies to report any change in its address and telephone number to the Commission within 10 days of a change.

After Order No. PSC-00-1711-PAA-TC was issued on September 25, 2000, the company responded to the Order on October 9 by advising that it was no longer in the payphone business and by providing its updated reporting requirements. Staff wrote the company on October 11 and explained that before a voluntary cancellation could be granted, the company must pay all outstanding RAF, including statutory penalty and interest charges, and either pay the 2000 fee or provide a date certain it would be paid. The company paid the past due charges and the 2000 fee on October 18.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 2814 should be granted with an effective date of October 9, 2000.

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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. (Banks)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.