



Public Service Commission

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

RECORDS AND REPORTING
APR 16 PM 2:37
RECEIVED 7:00

DATE: APRIL 19, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PIG*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *AD* *WMP* *6/6*

RE: DOCKET NO. 001681-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 7442 ISSUED TO STATEWIDE SERVICES CORPORATION OF W.H. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/01/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001681.RCM

CASE BACKGROUND

- 06/16/00 - This company was granted Certificate No. 7442.
- 11/07/00 - The Commission received a letter from the company requesting cancellation of its certificate.
- 11/09/00 - Staff called the company and left a voice mail message requesting a return call.
- 11/29/00 - Staff e-mailed the company to acknowledge receipt of the company's request and asked for additional information.
- 12/11/00 - Staff called the company and left a voice mail message requesting a return call.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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- **12/12/00** - The Division of Administration mailed the 2000 Regulatory Assessment Fee (RAF) return notice. Payment was due by January 30, 2001.
- **01/12/01** - Staff wrote the company a certified letter and requested additional information.
- **01/23/01** - Staff e-mailed the company. The return receipt showed the e-mail was read at 10:44 a.m., January 23, 2001.
- **02/09/01** - The United States Postal Service (USPS) returned the 2000 RAF notice stamped "refused."
- **02/20/01** - The Division of Administration mailed the delinquent notice for the 2000 RAF.
- **03/23/01** - As of this date, the company has not provided the additional information requested by staff or paid the 2000 RAF, including penalty and interest charges.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Statewide Services Corporation of W.H. a voluntary cancellation of Certificate No. 7442?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7442 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. (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, or the next business day, 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 25-24.514(2) (a) and (b), Florida Administrative Code, states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

After the Commission received a letter from the company's president, Mr. Dan Kilburn, which requested voluntary cancellation, staff called, e-mailed, and wrote the company several times since the request for cancellation was not in compliance with Rule 25-24.514, Florida Administrative Code.

As of March 28, 2001, the company has neither paid the 2000 RAF and accrued statutory penalty and interest charges, nor advised when the fee would be paid. Accordingly, the Commission should not grant the company a voluntary cancellation of its pay telephone certificate. The Commission should cancel the company's Certificate No. 7442 on its own motion, effective on the date of

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issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. The docket should then be closed upon receipt of the fees or cancellation of the certificate. (K. Peña; B. Keating)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of a Consummating Order and upon receipt of the fees or cancellation of the certificate.