



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-

RECEIVED FPSC
APR 16 PM 2:37
REPORTING AND

DATE: APRIL 19, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *pic ud*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *mp*

RE: DOCKET NO. 010284-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4326 ISSUED TO MARIA ELENA MEDINA 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\010284.RCM

CASE BACKGROUND

- 11/23/95 - This company obtained Florida Public Service Commission Certificate No. 4326.
- 01/20/00 - The Commission received the company's 1999 Regulatory Assessment Fee (RAF) return. The company reported revenues in the amount of \$251 for the period ended December 31, 1999.
- 12/12/00 - The Division of Administration mailed the RAF notice. Payment was due January 30, 2001.
- 12/31/00 - The Commission received the company's 2000 RAF return with no payment and a handwritten note "company was closed."

DOCUMENT NUMBER-DATE

04649 APR 16 01

FPSC-RECORDS/REPORTING

DOCKET NO. 010284-TC
DATE: APRIL 19, 2001

- **01/17/01** - Staff wrote the company and advised that before staff could recommend a voluntary cancellation of the company's certificate, the 2000 RAF would need to be paid.
- **02/20/01** - The Division of Administration mailed a delinquent notice to the company.
- **04/10/01** - As of this date, the company has not paid the past due amount or advised when the 2000 fee would be paid.

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 Maria Elena Medina a voluntary cancellation of Certificate No. 4326?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 4326 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.

On December 31, 2000, the Commission received the company's 2000 RAF return notice with a handwritten note "company was closed." Staff wrote the company on January 17, 2001 and explained that before a voluntary cancellation could be recommended, the company needed to write the Commission a letter specifically requesting cancellation of its certificate, and advised the company to pay the 2000 RAF, along with penalty and interest charges for the years 1996 and 1997, as required by Rule 25-24.514, Florida Administrative Code.

As of April 10, 2001 the company has not paid the 2000 RAF, including statutory penalty and interest charges for the years 1996, 1997, and 2000. 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. 4326 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.

DOCKET NO. 010284-TC
DATE: APRIL 19, 2001

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.