

STATE OF FLORIDA

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

Public Service Commission

April 24, 2001

Via Facsimile

Mr. Michael J. Marino, Vice President
J.C. Vending, Inc.
1441 NE 13th Avenue
Fort Lauderdale, FL 33304-1336

Re: Docket No. 010447-TC

Dear Mr. Marino:

This is a follow up to our telephone conversation concerning the above docket. The regulatory assessment fee (RAF) is due each year by January 30 for the previous year, unless the 30th falls on a weekend, then the due date is the next working day. For example, the 1999 fee was due January 31, 2000 and the 2000 fee was due January 30, 2001.

Commission records show that as of this date, the 2000 RAF has not been paid. In our conversation, you stated that you obtained another 2000 RAF return and will mail it, along with payment. Since payment will be mailed after the due date, statutory penalty and interest charges are also applicable. In addition, our records also show that the company has a penalty and interest balance in the amount of \$6.55 from prior years that needs to be paid. A breakdown is attached.

Since the Commissioners have not yet voted on this docket, the company has three options.

- (1) Cancel the certificate voluntarily - Pay all past due charges in full, pay the 2001 RAF or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate), and write a letter requesting cancellation. A copy of our rule is attached.
- (2) Do nothing - In this case, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection. In addition, Rule 25.24.511(5), F.A.C., states that "Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled." This means that if the company chooses this option, it could not reapply for a new certificate at a later date.

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- (3) Propose a settlement - There is normally a \$500 fine imposed for this rule violation. It should be noted that just paying the past due balance will not prevent the company's certificate from being cancelled. If the company chooses this option, it needs to write the Commission a settlement letter that must include the following:
- Docket number;
 - A check for the past due amount in full;
 - A statement that it has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - A waiver of objection to the administrative cancellation of the certificate in the event your offer is accepted and you fail to comply with the terms which you have offered; and
 - Make a specific monetary settlement.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should not be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.

Please let me know what your decision is by May 9, 2001. If you wish to discuss this or 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 Evaluation & Compliance

Enclosures

cc: Docket No. 010447-TC
Division of Legal Services (Elliott)

J.C. Vending, Inc. (TF221)
Certificate No. 3873, Effective 11/04/94

Year	Fee	Penalty	Interest	Notes
1995	Paid	\$5.00	\$1.00	Company paid the RAF on 09/08/95, but did not pay the penalty and interest. Payment was due 07/30/95.
1996	Paid	Paid	\$0.55	Company paid the RAF and penalty charge on 02/06/97, but did not pay the interest charge. Payment was due 01/30/97.
Total	N/A	\$5.00	\$1.55	Total: \$6.55 NOTE: This past due balance does <u>not</u> include the 2000 RAF, penalty, and interest charges.

25-24.514 Cancellation of a Certificate.

- (1) The Commission may cancel a company's certificate for any of the following reasons:
- (a) Violation of the terms and conditions under which the authority was originally granted;
 - (b) Violation of Commission rules or orders;
 - (c) Violation of Florida Statutes; or,
 - (d) Failure to provide service for a period of six (6) months.

(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.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS.

History--New 1-5-87.

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