

State of Florida



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-

DATE: JUNE 28, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PK*
DIVISION OF LEGAL SERVICES (ELLIOTT; K. PEÑA; B. KEATING) *AK*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES. *JAF*

- DOCKET NO. 010414-TC - MICHAEL ANTHONY HOLODAY D/B/A ATLANTIC & GULF COMMUNICATIONS
- DOCKET NO. 010442-TC - SHARKY'S DRAFT HOUSE, INC.
- DOCKET NO. 010447-TC - J.C. VENDING, INC.
- DOCKET NO. 010463-TC - JAMES M. SPRINKLE
- DOCKET NO. 010485-TC - THOMAS RYNNING

AGENDA: 07/10/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010414.RCM

CASE BACKGROUND

On December 12, 2000, the certificated companies listed on page 4 were mailed the 2000 Regulatory Assessment Fee (RAF) Notice and payment was due by January 30, 2001. On February 21, 2001, the Division of Administration mailed a delinquent notice for the 2000 RAF.

After the dockets were opened, but prior to staff filing its recommendations, the companies listed on page 4 paid the past due amounts in full and proposed settlements to resolve these dockets.

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FPSC-RECORDS/REPORTING

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 accept the settlement offer proposed by each company listed on page 4 to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept each company's respective settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively. (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.

Prior to staff filing recommendations, the companies listed on page 4 contacted the Commission and requested information on how to resolve the dockets. The companies subsequently paid the past due amounts in full, including statutory penalty and interest charges, and proposed settlements. Each company listed on page 4 offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. In addition, the companies listed on page 4 included a waiver of objection to the administrative cancellation of their respective certificate in the event the settlement proposal is accepted and the companies ultimately fail to comply with the terms

of their offer. These settlement amounts are consistent with amounts accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreements as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Elliott; K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DOCKET NO. 010414-TC, 010442-TC, 010447-TC, 010463-TC, 010485-TC
 DATE: JUNE 28, 2001

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>P and I</u>
010414-TC	Atlantic & Gulf Communications \$17,773.69 Revenues for Period Ended 12/31/00	2325	2000	1992 1998 2000
010442-TC	Sharky's Draft House, Inc. \$129.00 Revenues for Period Ended 12/31/00	3750	2000	1994 1996 1999 2000
010447-TC	J.C. Vending, Inc. \$26,155.00 Revenues for Period Ended 12/31/00	3873	2000	1995 1996 2000
010463-TC	James M. Sprinkle \$0 Revenues for Period Ended 12/31/00	4329	2000	1999 2000
010485-TC	Thomas Rynning \$2,430.00 Revenues for Period Ended 12/31/00	4926	2000	1997 1998 2000