



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: JULY 12, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij RD*
DIVISION OF LEGAL SERVICES (ELLIOTT; BANKS; K. PEÑA; B. KEATING) *JFE* *FRUB KMP*

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.

DOCKET NO. 010509-TC - MR. JAMES G. DONKER AND TAMMY R. DONKER D/B/A DON-TEL
DOCKET NO. 010523-TC - ARROW COMMUNICATIONS, INC.
DOCKET NO. 010526-TC - DANNY HERRING
DOCKET NO. 010528-TC - MARCUS F. ROEDEL D/B/A R&R HOLDINGS

AGENDA: 07/24/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010509.RCM

CASE BACKGROUND

The 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 the Commission Clerk & Administrative Services mailed a delinquent letter for the 2000 RAF.

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FPSC-REGULATORY REPORTING

After the dockets were opened, staff wrote each of the companies listed on page 4 and explained that a docket had been established and to contact staff if the companies were interested in resolving the dockets. The companies listed on page 4 paid the past due amounts, including statutory penalty and interest charges, paid the 2001 RAF, and requested voluntary cancellation.

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 the companies listed on page 4 a voluntary cancellation of their respective certificates?

RECOMMENDATION: Yes. The Commission should grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on page 4. (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.

The Division of the Commission Clerk & Administrative Services notified staff that each company listed on page 4 had not submitted the 2000 regulatory assessment fees, along with statutory penalty and interest charges, for the year 2000. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

On April 19, 2001, staff wrote each of the companies listed on page 4 and explained that a docket had been established. Staff advised the companies to contact Commission staff if they were interested in resolving the dockets. Each company listed on page

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4 contacted Commission staff, paid the past due amount in full, including statutory penalty and interest charges, paid the 2001 RAF, and requested voluntary cancellation of their respective certificates in compliance with Rule 25-24.514(2)(a) and (b), Florida Administrative Code.

Accordingly, staff believes the companies' request for a voluntary cancellation of their respective telecommunications certificate should be granted with an effective date as listed on page 4.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, these dockets should be closed. (Elliott; Banks, K. Peña; B. Keating)

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

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<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT.</u> <u>NO.</u>	<u>Effective Date of Cancellatio</u>
010509-TC	Don-Tel \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	5448	04/27/01
010523-TC	Arrow Communications, Inc. \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	5826	05/08/01
010526-TC	Danny Herring \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	5830	05/15/01
010528-TC	R&R Holdings \$0 Revenues for Period Ended 12/31/00 \$0 Revenues for Period Ended 12/31/01	5863	05/08/01