

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK
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DATE: JULY 26, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pip*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *BK/MP*

RE: DOCKET NO. 010556-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 6016 ISSUED TO ALEX I. BURNEY D/B/A EXCELLENT TELECOMMUNICATIONS FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

AGENDA: 08/07/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010556.RCM

CASE BACKGROUND

- **03/02/99** - This company obtained Florida Public Service Commission Certificate No. 6016.
- **12/12/00** - The 2000 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due by January 30, 2001.
- **02/21/01** - The Division of The Commission Clerk & Administrative Services mailed the Delinquent Notice.
- **05/08/01** - Staff wrote the company and explained that a docket had been established for nonpayment of the 2000 RAF and to contact staff for its options.

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- **05/21/01** - Mrs. Burney called staff and advised that her husband has not been in business for over a year and wants to cancel their payphone certificate. Mrs. Burney stated that her husband would pay the past due amount and write a letter requesting cancellation.
- **05/31/01** - The Commission received the company's payment for the 2000 RAF, including statutory penalty and interest charges, payment for the 2001 RAF, and a letter requesting cancellation of its certificate. The company reported no revenues for both RAF years.

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 Alex I. Burney d/b/a Excellent Telecommunications a voluntary cancellation of its Certificate No. 6016?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 6016 with an effective date of May 31, 2001. (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 a recommendation, the company paid the 2000 RAF, including statutory penalty and interest charges, and the 2001 RAF. In addition, the company requested voluntary cancellation of its certificate as required by Rule 25-24.514, Florida Administrative Code.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 6016 should be granted with an effective date of May 31, 2001.

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ISSUE 2: Should this docket be closed?

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

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