

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: JULY 26, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (ELLIOTT; K. PEÑA; B. KEATING) *MR*
JAE *KMP*

RE: DOCKET NO. 010412-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 1760
ISSUED TO PROTEL, INC. FOR VIOLATION OF RULE 25-4.0161,
F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS
COMPANIES.

DOCKET NO. 010428-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3067
ISSUED TO GATORS ON THE PASS, INC. D/B/A GATORS CAFÉ FOR
VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT
FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 010559-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 6090
ISSUED TO VENDALL COMPANIES, INC. D/B/A VENDALL
COMMUNICATIONS FOR VIOLATION OF RULE 25-4.0161, F.A.C.,
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010412.RCM

CASE BACKGROUND

On December 12, 2000, the certificated companies listed on
page 5 were mailed the 2000 Regulatory Assessment Fee (RAF) Notice

DOCUMENT NUMBER - DATE

09063 JUL 25 2001

FPSC-COMMISSION CLERK

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and payment was due by January 30, 2001. On February 21, 2001, the Division of the Commission Clerk & Administrative Services 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 5 paid the past due amounts in full and proposed settlements to resolve these dockets.

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 5 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 5 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.

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Prior to staff filing recommendations, the companies listed on page 5 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 5 offered to pay a \$500 contribution and proposed to pay future RAFs on a timely basis. In addition, the companies listed on page 5 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.

This is the second docket established for each company listed on page 5 for the same rule violation. In Docket No. 981201-TC, Order No. PSC-99-0307-FOF-TC was issued on February 16, 1999, which accepted Protel, Inc.'s \$100 settlement and its proposal to pay future RAFs on a timely basis. The company paid the past due amount and settlement amount and the docket was closed.

In Docket No. 951390-TC, Order No. PSC-96-0048-FOF-TC was issued on January 12, 1996, which imposed a \$250 fine and required payment of the past due fees or cancelled Gators on the Pass, Inc. d/b/a Gators Cafe's certificate. The company paid the past due fees and the \$250 fine and the docket was closed.

In Docket No. 001115-TC, Order No. PSC-00-1793-PAA-TC, was issued on October 2, 2000, which imposed a \$500 fine and required payment of the past due fees or cancelled Vendall Companies, Inc. d/b/a Vendall Communications' certificate. The company paid the past due fees and the \$500 fine and the docket was closed.

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 5 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

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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 5 should be closed upon receipt of the \$500 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 5 should be closed upon receipt of the \$500 contribution or cancellation of the certificate.

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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>RAFs</u>	<u>P and I</u>
010412-TC	Protel, Inc. \$0 Revenues for Period Ended 12/31/00	1760	2000	2000
010428-TC	Gators Café \$0 Revenues for Period Ended 12/31/00	3067	2000	1998 2000
010559-TC	Vendall Communications \$4,011 Revenues for Period Ended 12/31/00	6090	2000	2000

