



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: AUGUST 2, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *fin*
DIVISION OF LEGAL SERVICES (ELLIOTT; K. PEÑA; B. KEATING) *me* *KMP*

RE: DOCKET NO. 010597-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 7214 ISSUED TO MANATEE TELCOM, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES. *JAE*

DOCKET NO. 010599-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 7295 ISSUED TO CROSS CITY AIRPORT INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 08/14/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010597.RCM

CASE BACKGROUND

The companies listed on Attachment A 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.

After the dockets were opened, staff wrote each of the companies listed on Attachment A and explained that a docket had

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been established and to contact staff if the companies were interested in resolving the dockets. The companies listed on Attachment A wrote the Commission and requested cancellation of their certificates. However, the companies listed on Attachment A have a past due amount.

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 deny the companies listed on Attachment A a voluntary cancellation of their respective certificates?

RECOMMENDATION: Yes. The Commission should deny each company a voluntary cancellation of its telecommunications certificate as listed on Attachment A. Instead, the Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. (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 Attachment A 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

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Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

On May 14, 2001, staff wrote each of the companies listed on Attachment A and explained that a docket had been established. Staff advised the companies to contact staff if they were interested in resolving the dockets. Each company listed on Attachment A wrote the Commission and requested cancellation of their respective certificates.

Manatee Telcom, Inc., Docket No. 010597-TC

On June 6, 2001, the Commission received correspondence from Mr. Robert Thompson, President, which requested cancellation of his certificate because he had discontinued his "involvement in the pay phone business." On June 13, 2001, staff wrote Mr. Thompson and explained that in order to recommend a voluntary cancellation, the company needed to pay the 2000 RAF, along with statutory penalty and interest charges for 1999 and 2000. In addition, pursuant to Rule 25-24.514, Florida Administrative Code, the company needed to either pay the 2001 RAF or provide a date certain it would be paid. As of July 26, 2001, the Commission has not received payment of the past due charges. In addition, the company did not provide the Commission its intent and date to pay the current year's RAF as required by Rule 25-24.514, Florida Administrative Code.

Cross City Airport Inc., Docket No. 010599-TC

On May 18, 2001, the Commission received a telephone call from Ms. Wanda Higgs, who advised that the company wished to cancel its certificate. Ms. Higgs asked staff to provide the 2000 and 2001 RAF returns, along with information on how to cancel the certificate. This information was faxed the same date. On June 12, 2001, the Commission received payment of the 2000 RAF, including statutory penalty and interest charges. The company stated its intentions to request voluntary cancellation, however, did not include a letter requesting cancellation or either pay the 2001 RAF or provide a date certain it would be paid. As of July 26, 2001, the Commission has not received the information required by Rule 25-24.514, Florida Administrative Code.

Accordingly, staff believes the Commission should deny each company a voluntary cancellation of its telecommunications

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certificate as listed on Attachment A. Instead, the Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. These dockets should then be closed upon receipt of the fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final. (Elliott; K. Peña; B. Keating)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon the issuance of a Consummating Order and upon receipt of the fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

ATTACHMENT A

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<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>Effective Date of Cancellation</u>
010597-TC	Manatee Telcom, Inc. \$0 Revenues for Period Ended 12/31/99	7214	06/06/01
010599-TC	Cross City Airport Inc. \$0 Revenues for Period Ended 12/31/00	7295	05/18/01

