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DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
(850) 413-6600

Public Service Commission

August 23, 2001

Mr. Robert Shields
Radio Communications Corporation
381 N. York Road, Suite 25
Elmhurst, IL 60126-2364

RE: Docket No. 010603-TC

Dear Mr. Shields:

On May 17, 2001, you called me and stated that on March 9th you had mailed the Regulatory Assessment Fee (RAF) return forms for your pay telephone and interexchange telecommunications certificates, but that you did not send a check with the returns. The Commission received the forms, along with payment on May 18, 2001.

On July 30, 2001, I wrote you and explained that just paying the past due amount would not prevent the company's certificate from being cancelled and included options on how to resolve this docket. As of this date, the Commission has not received a settlement proposal or request for cancellation. Therefore, unless the company responds within 15 days from the date of this letter, I will have no choice but to go forward with a recommendation to fine Radio Communications \$500 for violation of Rule 25-4.0161, Florida Administrative Code.

If you wish to discuss this or have any questions, please let me know. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

Sincerely,

Paula J. Isler, Research Assistant
Bureau of Service Quality

cc: Docket No. 010603-TC
Division of Legal Services (Elliott)

DOCUMENT NUMBER - DATE
10492 AUG 23 01
FPSC - COMMISSION CLERK

OPTIONS

CANCELLATION OF THE CERTIFICATE

- **Voluntary Cancellation** - In order to be granted a voluntary cancellation, the company must: 1) write a letter requesting cancellation of the certificate and explain why (such as no longer in the payphone business); 2) pay all past due charges in full; and 3) pay the 2001 Regulatory Assessment Fee (RAF) or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate).
- **Involuntary Cancellation** - If the company does nothing to resolve this docket, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection. In addition, Rule 25-24.511(5), F.A.C., states that "Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled." This means that if the company chooses this option, it could not reapply for a new certificate at a later date.

TO KEEP THE CERTIFICATE ACTIVE

- Pay the past due RAF amount in full, including statutory penalty and interest charges, plus the fine imposed, after the Order is issued and the certificate will remain active. Just paying the past due amount will not prevent your certificate from being cancelled.
- Propose a settlement - All settlements should include the following elements:
 - 1) Docket number;
 - 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
 - 3) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - 4) A waiver of objection, which should state: The company agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, Commission staff will bring the matter to the Commission for consideration; and
 - 5) Make a specific monetary settlement. There is normally a \$500 fine for this rule violation. However, the Commission has accepted amounts less than the fine amount in other similar cases.

Any settlement offer/correspondence should be addressed to Ms. Blanca Bayó, Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.