



Public Service Commission
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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK

DATE: OCTOBER 4, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *BK VMP*

RE: DOCKET NO. 010657-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 7562 ISSUED TO JAY LANE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 10/16/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010657.RCM

CASE BACKGROUND

- 09/12/00 - This company obtained Florida Public Service Commission Certificate No. 7562.
- 12/12/00 - The Division of the Commission Clerk & Administrative Services mailed the 2000 Regulatory Assessment Fee (RAF) return notice. Payment was due by January 30, 2001.
- 02/21/01 - The Division of the Commission Clerk & Administrative Services mailed a delinquent notice for nonpayment of the 2000 RAF.
- 05/21/01 - Staff wrote the company and explained a docket had been established and to contact staff if it was interested in resolving this docket.

DOCUMENT NUMBER-DATE

12434 OCT-20

FPSC-COMMISSION CLERK

DOCKET NO. 010657-TC
DATE: OCTOBER 4, 2001

- **05/30/01** - Mr. Jay Lane called staff and stated he would pay the 2000 and 2001 RAFs and write a letter requesting cancellation of his certificate.
- **07/20/01** - The Commission received the company's payment for the 2000 RAF, including statutory penalty and interest charges, and payment for the 2001 RAF. In addition, the company requested cancellation of its certificate.

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.

DOCKET NO. 010657-TC
DATE: OCTOBER 4, 2001

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Jay Lane a voluntary cancellation of Pay Telephone Certificate No. 7562?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of July 20, 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.

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

On May 21, 2001, staff wrote the company and explained that a docket had been established. Staff advised the company to contact staff if it was interested in resolving the docket. Mr. Lane contacted staff, paid the past due amount and requested voluntary cancellation of his certificate in compliance with Rule 25-24.514(2)(a) and (b), Florida Administrative Code.

Accordingly, staff believes the company's request for a voluntary cancellation of its certificate should be granted with an effective date of July 20, 2001.

DOCKET NO. 010657-TC
DATE: OCTOBER 4, 2001

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the certificate as no other issues need to be addressed by the Commission. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the certificate as no other issues need to be addressed by the Commission.