

State of Florida



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

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COMMISSION CLERK &

DATE: NOVEMBER 19, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (J. ELLIOTT) *JAE*

RE: DOCKET NO. 010860-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 2995 ISSUED TO PEOPLES TELEPHONE COMPANY, INC. D/B/A PTC SERVICES FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/04/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010860.RCM

CASE BACKGROUND

- 08/19/92 - This company was granted Florida Public Service Commission Certificate No. 2995.
- 07/24/97 - In a prior proceeding, Docket No. 970929-TI was established for nonpayment of the 1996 Regulatory Assessment Fee (RAF). On September 9, 1997, Order No. PSC-97-1054-FOF-TI was issued which imposed a \$500 fine. The company subsequently paid the past due RAF and \$500 fine and the docket was closed.
- 12/12/00 - The Division of the Commission Clerk & Administrative Services mailed the 2000 RAF return notice. Payment was due by January 30, 2001.

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- **02/21/01** - The Division of the Commission Clerk & Administrative Services mailed a delinquent notice.
- **08/10/01** - Staff wrote the company and explained a docket had been established and to contact staff if it was interested in resolving this docket.
- **09/20/01** - Staff filed its recommendation to impose a \$1,000 fine or cancel the company's certificate.
- **09/27/01** - Ms. Robin Norton, Consultant, called staff and stated the company has not operated in a couple of years and wanted to cancel its certificate.
- **10/02/01** - At the October 2, 2001 Agenda Conference, the Commission imposed a \$1,000 fine or cancelled the company's certificate.
- **10/16/01** - Order No. PSC-01-2036-PAA-TI was issued. The company had until November 6, 2001 to respond to the Order.
- **10/19/01** - The Commission received the company's payment for the 2000 RAF, including statutory penalty and interest charges, along with a letter requesting cancellation of its certificate. In addition, the company paid the 2001 RAF. 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 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Peoples Telephone Company, Inc. d/b/a PTC Services a voluntary cancellation of Certificate No. 2995?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of October 19, 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 August 10, 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. The company's consultant, Ms. Robin Norton, contacted staff and subsequently paid the past due amount, including statutory penalty and interest charges and the 2001 RAF, and requested voluntary cancellation of the company's certificate in compliance with Rule 25-24.474, 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 October 19, 2001.

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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. (J. Elliott)

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.