

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: FEBRUARY 7, 2002

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Di* *AD*
OFFICE OF GENERAL COUNSEL (K. PEÑA; B. KEATING) *KMP*

RE: DOCKET NO. 011099-TS - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF SHARED TENANT SERVICES TELECOMMUNICATIONS CERTIFICATE NO. 2024 ISSUED TO FLORIDA TAX DEEDS, INC. D/B/A SENATOR BUILDING FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 02/19/02 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\011099.RCM

CASE BACKGROUND

- 07/08/92 - This company obtained Florida Public Service Commission Certificate No. 2024.
- 09/14/00 - In a prior proceeding, Docket No. 001397-TS was established for nonpayment of the 1999 Regulatory Assessment Fee (RAF). On January 22, 2001, Order No. PSC-01-0199-AS-TS was issued, which accepted the company's \$100 settlement. The company paid the past due amount in full and the \$100 settlement and the docket was closed.
- 12/12/00 - The Division of the Commission Clerk & Administrative Services mailed the 2000 RAF notice. The due date was January 30, 2001.

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- 02/21/01 - The Division of the Commission Clerk & Administrative Services mailed a delinquent notice.
- 09/18/01 - Staff wrote the company and explained a docket had been established and to contact staff if interested in resolving this docket.
- 10/04/01 - Ms. Ines Camacho called staff and requested information about this docket. Staff was advised that the company would pay the outstanding balance and make a settlement offer.
- 11/29/01 - The Commission received the company's check for the outstanding amount, including statutory penalty and interest charges. The company reported no revenues for the period ended December 31, 2000. In addition, the company proposed a settlement and included a check for the amount proposed.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.339, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Florida Tax Deeds, Inc. d/b/a Senator Building to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. 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. (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.

After this docket was established, but prior to staff's recommendation being filed, the Commission received the company's payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, and a letter from the company, which offered a settlement in the amount of \$500 and included a check for the \$500.

This is the second docket established for violation of the RAF rule. On January 22, 2001, Order No. PSC-01-0199-AS-TS was issued in Docket No. 001397-TS. The Order accepted the company's \$100 settlement proposal. The company paid the past due RAFs, including penalty and interest charges, and the \$100 settlement, and the docket was then closed. This settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. 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.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.