

State of Florida



Public Service Commission
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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK

DATE: JUNE 6, 2002

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

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

RE: DOCKET NO. 020451-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4147
ISSUED TO FERNANDO FERRARONE FOR VIOLATION OF RULE 25-
4.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

AGENDA: 06/18/02 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020451.RCM

CASE BACKGROUND

- 04/28/95 - This company obtained Florida Public Service Commission Pay Telephone Certificate No. 4147.
- 12/29/00 - The Commission received the company's 2000 Regulatory Assessment Fee (RAF) return for the period ended December 31, 2000. The company reported revenues in the amount of \$8,380.
- 12/12/01 - The Division of the Commission Clerk & Administrative Services mailed the 2001 RAF return notice. Payment was due by January 30, 2002.
- 12/15/01 - The Commission received a letter from C. Ferrarone advising that the certificate holder, Mr. Fernando Ferrarone,

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had passed away on November 26, 2001, and included a copy of his death certificate.

- **02/20/01** - The Office of the General Counsel mailed a delinquent notice for nonpayment of the 2001 RAF.

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 grant Fernando Ferrarone a voluntary cancellation of Pay Telephone Certificate No. 4147?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of December 15, 2001. In addition, the Division of the Commission Clerk & Administrative Services will be notified that the 2001 RAF, including statutory penalty and interest charges, should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested. If the certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing pay telephone service in Florida. (Isler; K. Peña; B. Keating)

STAFF ANALYSIS: Rule 25-24.514, Florida Administrative Code, establishes the requirements for cancellation of a certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

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.

On May 17, 2002, the Division of the Commission Clerk & Administrative Services provided staff a copy of a letter originally received in December 2001, from C. Ferrarone, which advised that the certificate holder had passed away on November 26, 2001. A copy of Mr. Ferrarone's death certificate was attached to the letter. Due to the extenuating circumstances, staff believes the Commission should grant the company a voluntary cancellation of its Certificate No. 4147 with an effective date of December 15, 2001. In addition, the Division of the Commission Clerk & Administrative Services will be notified that the past due RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested. If the certificate is cancelled in accordance with the Commission's Order from this recommendation,

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the company should be required to immediately cease and desist providing pay telephone service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: 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.