

STATE OF FLORIDA

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DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

August 2, 2002

Via Facsimile (850-470-9278)

Ms. Roberta F. Neubert, Treasurer
Carlton Palms Condominium Association, Inc.
224 East Garden Street, Suite 8
Pensacola, FL 32501-6068

RE: Docket No. 020514-TC

Dear Ms. Neubert:

The Commission has received the Association's check for the corrected amount for the Regulatory Assessment Fee, including statutory penalty and interest charges. Unfortunately, Docket No. 020514-TC had already been established for violations of the Regulatory Assessment Fee rule and not providing the Commission with the company's updated address and liaison. There is normally a \$500 fine associated with each rule violation (\$1,000 total).

If the Association wishes to keep its certificate active, it must propose a settlement. Attached is a list of elements that should be included with each settlement proposal. Since the Association has already complied with the second element, just state that the Regulatory Assessment Fee has already been paid. Also attached is a sample proposal that you can use as an example.

Please review this information and let me know by August 23, 2002, how you wish to proceed. In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at pisler@psc.state.fl.us, or at the address below.

Sincerely,

Paula J. Isler, Research Assistant
Bureau of Service Quality

Attachments

cc: Docket No. 020514-TC
Office of the General Counsel (Teitzman)

DOCUMENT NUMBER 020514-TC
08125 AUG-2002
FPSC-COMMISSION CLERK

Settlement Proposals

All settlements must 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) Updated reporting requirements (liaison, title, mailing and physical addresses, telephone number, fax number, e-mail address and website (if available));
- 4) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
- 5) A statement that the company will provide the Commission with any change in its reporting requirements within 10 days of the change;
- 6) 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
- 7) A specific monetary settlement. There is normally a \$500 fine for each rule violation. However, in other similar cases, the Commission has accepted settlements between \$200 and \$1,000.

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 14 calendar days after the Commission Order is issued.

Sample



amafla TELECOM inc.

Ms. Blanca Bayó, Director
Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 020587-TX

Dear Ms. Bayó:

AMAFLA Telecom, Inc. was just recently notified that Docket No. 020587-TX was opened for nonpayment of the 2001 Regulatory Assessment Fee and for not providing the Commission with our updated address.

First, attached is our check for the past due 2001 Regulatory Assessment Fee, including penalty and interest charges, along with the Regulatory Assessment Fee return. AMAFLA Telecom, Inc. has taken steps to prevent late payment of the Regulatory Assessment Fee in the future since we are now well aware that the fee and return are due by January 30th of every year.

Second, I had asked a staff member to notify the Commission of our update address and phone numbers, but for some reason I understand that only our telephone number was updated. I regret this oversight. Now that I am aware that we must notify the Commission of any change in reporting requirements within 10 days of a change, you may be assured that this problem will not reoccur. Attached is AMAFLA Telecom, Inc.'s correct liaison, address, and telephone numbers.

Third, in lieu of the \$ 1,000 fine imposed for these rule violations, AMAFLA Telecom, Inc. offers a \$ 200 settlement. We believe that this settlement amount is a fair resolution to the rule violations and respectfully request the Commission accept it. I understand that if the Commissioners accept the settlement, the \$ 200 must be paid within 14 calendar days from the date of the order accepting the settlement.

River Gate Plaza, 444 Brickell Avenue Suite 309, Miami, FL 33131
Phone 3056799943 Fax 3056799954

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DISTRIBUTION CENTER

Sample



amafla TELECOM inc.

Finally, AMAFLA Telecom, Inc. 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, it is my understanding that Commission staff will bring the matter to the Commission for consideration.

Sincerely,

Luis Chumaceiro

President



amafla TELECOM inc.

Sample

Updated Company Information

Company Liaison #1: Luis Chumaceiro
Title : President
Mailing Address : 444 Brickell Ave suite 309
Miami, Fl 33131
Physical Location : 444 Brickell Ave Suite 309
Miami, Fl 33131
Phone : (305) 679 9943 ext. 31
Fax : (305) 679 9954