

State of Florida



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

-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** NOVEMBER 20, 2002

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

**FROM:** DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Pji*  
OFFICE OF THE GENERAL COUNSEL (TEITZMAN; DODSON) *AT* *JAD* *AK*

**RE:** DOCKET NO. 020514-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERT. NO. 7752 ISSUED TO CARLTON PALMS CONDOMINIUM ASSOCIATION, INC. FOR VIOLATION OF RULES 25-24.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

DOCKET NO. 020803-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 7370 ISSUED TO DONATELLA COMMUNICATIONS LLC FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

**AGENDA:** 12/02/02 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\020514.RCM

---

CASE BACKGROUND

On December 12, 2001, the certificated companies listed on Attachment A were mailed the 2001 Regulatory Assessment Fee (RAF) Notice and payment was due by January 30, 2002. On February 21, 2002, the Office of the General Counsel mailed a delinquent notice, via certified mail, for the 2001 RAF.

DOCUMENT NUMBER-DATE

12719 NOV 20 02

FPSC-COMMISSION CLERK

DOCKET NOS. 020514-TC, 020803-TC  
DATE: NOVEMBER 20, 2002

After the dockets were established, the companies listed on Attachment A paid the past due amounts in full and proposed settlements to resolve these dockets.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, 364.3375, and 364.183, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offers proposed by the companies as listed on Attachment A to resolve the apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, and 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements?

**RECOMMENDATION:** Yes. The Commission should accept each company's respective settlement proposal, as listed on Attachment A. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of the Commission Order and should identify the docket number and company name. 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. If any of the companies listed on Attachment A fail to pay in accordance with the terms of the Commission Order, that company's respective certificate should be cancelled administratively. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone services in Florida. (Isler; Teitzman; Dodson)

**STAFF ANALYSIS:** Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, 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.

Pursuant to Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, each company is allowed ten days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission.

The Division of the Commission Clerk & Administrative Services' records showed that the companies had not paid their 2001

RAF, plus statutory penalty and interest charges; therefore, these dockets were established. Each company listed on Attachment A subsequently paid the 2001 RAF, including the penalty and interest charges, and provided the Commission with its respective updated reporting requirements. In addition, each company listed on Attachment A proposed to pay a \$200 contribution and future RAFs on a timely basis and provide the Commission with its respective updated reporting requirements within 10 days of a change. The recommended settlement amount is consistent with amounts the Commission has accepted for recent, similar violations. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Accordingly, staff believes the Commission should accept each company's respective settlement proposal, as listed on Attachment A. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of the Commission Order and should identify the docket number and company name. 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. If any of the companies listed on Attachment A fail to pay in accordance with the terms of the Commission Order, that company's respective certificate should be cancelled administratively. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone services in Florida.

DOCKET NOS. 020514-TC, 020803-TC  
DATE: NOVEMBER 20, 2002

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on Attachment A should be closed upon receipt of the \$200 contribution or cancellation of the certificate. (Teitzman; Dodson)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on Attachment A should be closed upon receipt of the \$200 contribution or cancellation of the certificate.

<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES &amp;</u> <u>PERIOD ENDED</u>	<u>CERT.</u> <u>NO.</u>	<u>RAFs</u>	<u>Penalty</u> <u>and</u> <u>Interest*</u>
020514-TC	Carlton Palms Condominium Association, Inc. \$372 Revenues for Period Ended 12/31/01	7752	2001	2001
020803-TC	Donatella Communications LLC \$109,011 Revenues for Period Ended 12/31/01	7370	2001	2000 2001

\*Years penalty and/or interest was not paid