



Public Service Commission

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COMMISSION
CLERK

DATE: DECEMBER 23, 2003

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *Pji*
OFFICE OF THE GENERAL COUNSEL (MCKAY) *Vgm* *Mc* *MMS*

RE: DOCKET NO. 030833-TS - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF STS CERTIFICATE NO. 2293 ISSUED TO
ST. VINCENT'S MEDICAL CENTER, INC., FOR VIOLATION OF RULE
25-24.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

AGENDA: 01/06/04 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030833.RCM

CASE BACKGROUND

- **05/16/89** - This company obtained Florida Public Service Commission Shared Tenant Service (STS) Certificate No. 2293.
- **12/12/02** - The Division of the Commission Clerk & Administrative Services mailed the 2002 RAF return notice. Payment was due by January 30, 2003.
- **02/21/03** - The Office of the General Counsel mailed a delinquent notice for nonpayment of the 2002 RAF via certified mail. The US Postal Service returned the certified receipt, which showed the delinquent notice was signed for and delivered on February 24, 2003.

- **03/19/03** - The Division of the Commission Clerk and Administrative Services notified staff that this company had not paid its 2002 RAF.
- **04/28/03** - Staff wrote the company and explained that payment for the RAF needed to be paid by May 19, 2003, to avoid an enforcement docket from being established.
- **06/18/03** - Staff faxed the company a note attempting collection of the 2002 RAF.
- **08/18/03** - The 2002 RAF return and payment was not received; therefore, staff established this docket.
- **10/07/03** - At the October 7, 2003, Agenda Conference, the Commission voted to impose a \$500 penalty or cancel the company's certificate.
- **10/16/03** - Mr. Jon DeBardleben, Attorney, contacted staff and explained that the company had never utilized the STS certificate and would like to voluntarily cancel it. The 2002 and 2003 RAF returns were faxed to Mr. DeBardleben on October 17, 2003.
- **11/14/03** - Order No. PSC-03-1299-PAA-TS was issued, which imposed a \$500 penalty or cancelled the company's certificate. The company had until December 5, 2003, to respond to the Order.
- **12/02/03** - The Commission received the company's 2002 and 2003 RAF returns, along with payment in full. In addition, the Commission received a letter requesting voluntary cancellation of the company's STS certificate. The company reported no revenues for calendar years 2002 and 2003.
- **12/10/03** - As of this date, there are no outstanding consumer complaints.

In Issue 1 of this recommendation, staff identifies Rule 25-4.0161, Florida Administrative Code, as that apparently violated by the company. The rule is incorporated by Rule 25-24.585, Florida Administrative Code. To avoid redundancy, hereafter, the recommendation refers only to Rule 25-4.0161, Florida Administrative Code.

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 grant St. Vincent's Medical Center, Inc. a voluntary cancellation of STS Certificate No. 2293?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its STS certificate with an effective date of December 2, 2003. If the company's certificate is cancelled in accordance with the Commission's Order from this recommendation, St. Vincent's Medical Center, Inc. should be required to immediately cease and desist providing shared tenant services in Florida. **(Isler; McKay)**

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 late payment charges 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 2002 RAFs, along with statutory late payment charges, for the years 1997 and 2002. Therefore, the company had failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

After the docket was opened and a Proposed Agency Action Order issued, the Commission received the company's payment for the outstanding RAFs, including statutory late payment charges, and the 2003 RAF. In addition, the company included a letter with its payment requesting cancellation of its shared tenant service certificate in compliance with Rule 25-24.572(2)(a) and (b), Florida Administrative Code.

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Accordingly, staff believes the Commission should grant the company a voluntary cancellation of its STS certificate with an effective date of December 2, 2003. If the company's certificate is cancelled in accordance with the Commission's Order from this recommendation, St. Vincent's Medical Center, Inc. should be required to immediately cease and desist providing shared tenant services 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. **(McKay)**

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.