

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: February 17, 2005

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Competitive Markets & Enforcement (Isler)
Office of the General Counsel (Rockette-Gray, Scott)

RE: Docket No. 041032-TC – Compliance investigation of Kerstin K Krieger d/b/a All American Warrior Vending for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 041054-TC – Compliance investigation of T & P Enterprises of Bay County, Inc. d/b/a Laguna Beach Christian Retreat for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 041093-TC – Compliance investigation of Southern Telecom Communications, Inc. for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

AGENDA: 03/01/05 – Regular Agenda – Interested Persons May Participate

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\041032.RCM.DOC

Discussion of Issues

Issue 1: Should the Commission accept each entity's settlement offer to voluntarily cancel its respective certificate to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code?

Recommendation: Yes. (Isler, Rockette-Gray, Scott)

Staff Analysis: See attached proposed Order.

Docket Nos. 041032-TC, 041054-TC, 041093-TC
Date: February 17, 2005

Issue 2: Should this docket be closed?

Recommendation: Yes. Staff recommends that if the Commission approves staff's recommendation in Issue 1, these dockets should be closed as no other issues need to be addressed by the Commission. (Rockette-Gray, Scott)

Staff Analysis: Staff recommends that the Commission take action as set forth in the foregoing staff recommendation statement.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Kerstin K Krieger d/b/a All American Warrior Vending for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 041032-TC
In re: Compliance investigation of T & P Enterprises of Bay County, Inc. d/b/a Laguna Beach Christian Retreat for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 041054-TC
In re: Compliance investigation of Southern Telecom Communications, Inc. for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 041093-TC ORDER NO. ISSUED:

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER GRANTING VOLUNTARY CANCELLATION OF PAY TELEPHONE
CERTIFICATES

BY THE COMMISSION:

The Division of the Commission Clerk & Administrative Services advised our staff that the entities listed below had not paid the 2003 Regulatory Assessment Fees required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. Also, accrued statutory late payment charges required by Section 350.113(4), Florida Statutes, for the year 2003 had not been paid. The entities were scheduled to remit their respective 2003 Regulatory Assessment Fees by January 30, 2004. In addition, on May 26, 2004, our staff wrote the entities specified below and advised that payment of the 2003 Regulatory Assessment Fees should be paid by June 25, 2004, to avoid dockets from being established.

Pursuant to Section 364.336, Florida Statutes, pay telephone companies (PATs) must pay a minimum annual Regulatory Assessment Fee (RAF) of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing pay telephone service.

<u>Entity's Name</u>	<u>Certificate No.</u>	<u>Effective Date</u>
Kerstin K Krieger d/b/a All American Warrior Vending	7615	12/31/04
T & P Enterprises of Bay County, Inc. d/b/a Laguna Beach Christian Retreat	8269	12/31/04
Southern Telecom Communications, Inc.	6025	12/31/04

After Docket Nos. 041032-TC and 041054-TC were established, Order No. PSC-04-1271-PAA-TC was issued on December 23, 2004, which imposed a \$500 penalty. The companies had until January 13, 2005, to respond to the Order. Both companies responded timely to the Order by paying the 2003 and 2004 Regulatory Assessment Fees, plus applicable late payment charges, and each requested voluntary cancellation of their respective certificate. After Docket No. 041093-TC was established, Order No. PSC-04-1279-PAA-TC was issued on December 28, 2004, which imposed a \$1,000 penalty. The company had until January 18, 2005, to respond to the Order. Southern Telecom Communications, Inc. responded timely to the Order by paying the 2003 and 2004 Regulatory Assessment Fees, plus applicable late payment charges, and requested voluntary cancellation of its certificate. Accordingly, we find it appropriate to cancel the certificates listed above, effective December 31, 2004. We are vested with jurisdiction over this matter pursuant to Sections 350.113, 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Pay Telephone Certificates listed herein are hereby cancelled, effective December 31, 2004. It is further

ORDERED that the entities listed herein shall immediately cease and desist providing pay telephone service in Florida. It is further

ORDERED that these dockets are closed.

By ORDER of the Florida Public Service Commission this _____ day of _____, _____.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

DRG; KS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas, or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.