



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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PSC RECORDS AND REPORTING

**DATE:** AUGUST 26, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (RAYO)

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Pij* *AD*  
DIVISION OF LEGAL SERVICES (K. PEÑA; C. BEDELL) *IMP* *CB*

**RE:** CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

DOCKET NO. 991014-TC - OTTO P. WILLIAMS  
DOCKET NO. 991022-TC - NATIONWIDE COMMUNICATIONS OF MICHIGAN, INC.

**AGENDA:** 09/07/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991014.RCM

### CASE BACKGROUND

Each of the certificated pay telephone providers listed on page 4 were mailed the 1998 regulatory assessment fee (RAF) notice on December 10, 1998. Payment was due February 1, 1999. When full payment had not been paid, the Division of Administration mailed a delinquent letter to the companies. As of August 19, 1999, none of the companies have paid the past due amount.

This is the second docket opened against each pay telephone provider listed on page 4 for nonpayment of the regulatory assessment fees.

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

10197 AUG 26 88

PSC-RECORDS/REPORTING

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission impose a \$1,000 fine or cancel the pay telephone certificates issued to each company listed on page 4 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should impose a \$1,000 fine or cancel each company's certificate as listed on page 4 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificate numbers listed on page 4 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalty and interest charges as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

The Division of Administration's records show that each of the pay telephone providers listed on page 4 had not paid their 1998 regulatory assessment fees in full, plus statutory penalty and interest charges. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

This is the second docket opened against each company for nonpayment of the regulatory assessment fees (RAFs). Although both companies had past due penalty and interest charges when the prior dockets were opened, staff inadvertently did not collect for the charges. Docket No. 971276-TC was opened against Otto P. Williams. On November 18, 1997, Order No. PSC-97-1451-FOF-TC was issued, which imposed a \$500 fine. The company paid the fine and the docket was closed. Docket No. 971317-TP was opened against Nationwide Communications of Michigan, Inc. for three rule violations, including nonpayment of RAFs. Order No. PSC-98-1651-AS-TP was issued on December 8, 1998, which accepted the company's

settlement of \$2,750. The company paid the settlement and the docket was closed.

Accordingly, staff recommends that the Commission assess a \$1,000 fine for failure to comply with the Commission rules or cancel the companies' respective certificate numbers if the fine and the regulatory assessment fees, along with statutory penalty and interest charges, are not paid within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificate numbers listed on page 4 should be canceled administratively.

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

**RECOMMENDATION:** Yes, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. (K. Peña; C. Bedell)

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DOCKET NO. 991014-TC, 991022-TC  
DATE: AUGUST 26, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>RAFs</u>	<u>P and I</u>
991014-TC	Otto P. Williams	3614	1998	1995 1997 1998
991022-TC	Nationwide Communications of Michigan	3950	1998	1995 1998