

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-

RECEIVED-FPSC
JAN - 6 AM 10:20
RECORDS AND REPORTING

DATE: JANUARY 6, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *BK*

Imp Due for BX

RE: DOCKET NO. 991144-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5395 ISSUED TO WALK-IN PHONE CENTERS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 01/18/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991144.RCM

CASE BACKGROUND

- 07/25/97 - This company obtained PATS Certificate No. 5395.
- 12/10/98 - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to February 1, 1999.
- 03/17/99 - The Division of Administration mailed a delinquent letter.

DOCUMENT NUMBER-DATE

00165 JAN-68

FPSC-RECORDS/REPORTING

DOCKET NO. 991144-TC
DATE: JANUARY 6, 2000

- **11/09/99** - Order No. PSC-99-2206-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate.
- **11/17/99** - Mr. John Mann, the CPA for the company, called staff and advised that the past due amount would be paid and advised that a settlement offer would be proposed.
- **11/24/99** - The Commission received the company's check for the 1998 RAF, including a portion of the statutory penalty and interest charges, settlement proposal and check for \$100 settlement. The company reported \$133,652 revenues for the period ending December 31, 1998.
- **12/14/99** - The Commission received the company's check for the balance of the 1998 penalty and interest charges.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Walk-In Phone Centers, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. 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. (Isler)

STAFF ANALYSIS: After the Order was issued, on November 17, 1999, Mr. John Mann, CPA for the company, called staff and advised the past due amount would be paid and a settlement proposed. On November 24, 1999, the Commission received a check for the 1998 RAF and a portion of the penalty and interest charge. In addition, the company paid the \$100 settlement it had offered and proposed to pay future RAFs on a timely basis. On December 13, staff called Mr. Mann and explained that the balance of the penalty and interest charges would have to be paid before staff could recommend acceptance of the settlement. The full balance was received on December 14.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. 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.

DOCKET NO. 991144-TC
DATE: JANUARY 6, 2000

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.