

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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APR -6 AM 10:24
RECORDS AND REPORTING

DATE: APRIL 6, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Dij*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *AD* *WMP* *SL*

RE: DOCKET NO. 991332-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5927 ISSUED TO PAYPHONE ADVERTISING MEDIA, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 04/18/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991332.RCM

CASE BACKGROUND

- **10/13/98** - This company obtained Florida Public Service Commission Pay Telephone Certificate No. 5927.
- **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.

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- **10/15/99** - The 1998 RAF was paid. However, the statutory penalty and interest charges were not paid.
- **12/17/99** - Order No. PSC-99-2468-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate.
- **03/02/00** - Mr. Mike Pickett called on behalf of Payphone Advertising and advised that he was recently hired to manage the company and wanted this docket resolved.
- **03/13/00** - The Commission received the statutory penalty and interest charges for 1998 RAF and the 1999 RAF payment, which included the penalty and interest charges. In addition, the company proposed a settlement.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Payphone Advertising Media, 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. Any contribution should be received by the Commission within ten business 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 the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 5927 should be canceled administratively. (Isler)

STAFF ANALYSIS: After the docket was opened, but prior to the Order being issued, the company paid the 1998 RAF. However, the company did not pay the statutory penalty and interest charges. The company has since paid the past due penalty and interest charges for 1998; the 1999 RAF, penalty and interest charges; offered a settlement in the amount of \$100; and proposed to pay future RAFs on a timely basis.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business 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 the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 5927 should be canceled administratively.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.