

State of Florida



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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00 MAY -19 9:28 AM  
RECORDS AND REPORTING

DATE: MAY 4, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Di* *RD*  
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *WMP*

RE: DOCKET NO. 991279-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5860 ISSUED TO U.S. PAYTEL OPTIMA, L.L.C. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 05/16/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991279.RCM

CASE BACKGROUND

- 06/13/98 - This company obtained Florida Public Service Commission Pay Telephone Certificate No. 5860.
- 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

05554 MAY-48

FPSC-RECORDS/REPORTING

- **12/07/99** - Order No. PSC-99-2382-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate.
- **12/16/99** - Mr. Ed Otto, Managing Member, called and advised staff he would pay the 1998 past due charges and make a settlement offer.
- **12/23/99** - The Commission received the company's check for the 1998 RAF, including penalty and interest charges, and a letter of settlement.
- **01/21/00** - The Division of Auditing and Financial Analysis provided staff with a copy of its audit for this company's 1998 RAF. The company owed additional fees.
- **01/24/00** - Staff wrote the company and advised of the additional fees.
- **01/28/00** - The Commission received the company's 1999 RAF. The company reported \$230,726.16 in revenues for the period ended 12/31/99.
- **04/05/00** - Staff wrote the company a second letter and again advised of the additional fees.
- **04/21/00** - The Commission received a check from the company for the additional fees.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by U.S. Paytel Optima, L.L.C. 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. 5860 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After Order No. PSC-99-2382-PAA-TC was issued, the company paid the 1998 RAF, plus statutory penalty and interest charges, and made a settlement offer. However, before staff could take a recommendation back to the Commission to accept the company's settlement offer, staff was advised by the Division of Auditing and Financial Analysis that the company owed an additional amount for the 1998 RAF. The company has since paid the additional 1998 fees in full, the 1999 RAF, 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. 5860 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.