



# 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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**DATE:** JANUARY 21, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (BIEGALSKI) *VB*  
DIVISION OF LEGAL SERVICES (WATTS) *CBW ncf*

**RE:** DOCKET NO. 981371-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5029 ISSUED TO PATRICIA DEIHL FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES AND FINE ASSESSMENT FOR VIOLATION OF RULE 25-4.043, FLORIDA ADMINISTRATIVE CODE, RESPONSE TO COMMISSION STAFF INQUIRIES

**AGENDA:** 02/02/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981371.RCM

### CASE BACKGROUND

On December 27, 1996, the Commission issued certificate number 5029 to Patricia Deihl (Ms. Deihl). The Division of Communications received a request for cancellation on September 22, 1997. Upon receipt of the request for cancellation, staff researched the account to determine if the appropriate Regulatory Assessment Fees had been submitted. Staff determined that Ms. Deihl had failed to submit the Regulatory Assessment Fees, including statutory penalties and interest, for the years 1996 and 1997.

Based on this information, staff contacted Ms. Deihl on September 24, 1997, to notify her of this delinquency. Ms. Deihl stated she would mail a check for the delinquent amount. On

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**ISSUE 2:** Should the Commission impose a \$500 fine or cancel the pay telephone certificate of Patricia Deihl for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, effective December 31, 1997?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel Ms. Deihl's certificate effective December 31, 1997, if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within 5 business days after the conclusion of the 21 day protest period. 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 fines and the regulatory assessment fees, including statutory penalties and interest, are not received, the certificate should be canceled. (Biegalski)

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

Staff notified Ms. Deihl via telephone on September 24, 1997 and November 6, 1998, and by certified mail on December 15, 1998, that the regulatory assessment fees had not been submitted. Staff verified with the Division of Administration on January 11, 1999, that Ms. Deihl had not submitted the regulatory assessment fees for the years 1996 and 1997, along with statutory penalties and interest charges. Therefore, Ms. Deihl has failed to comply with Rule 25-4.0161, Florida Administrative Code.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with Commission rules or cancel the pay telephone certificate effective December 31, 1997, if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within the specified time. Ms. Deihl should not be assessed regulatory assessment fees for 1998.