

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-8850

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

RECORDS AND
REPORTING

59 MAY 6 AM 11:25

RECEIVED-FPSC

DATE: MAY 6, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pif*
DIVISION OF LEGAL SERVICES (J. MILLER) *Jam CB*

RE: DOCKET NO. 981615-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 5520 ISSUED TO ROBERT MICHAEL ALLEY, FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/18/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981615.RCM

CASE BACKGROUND

- 12/05/97 - This company obtained Florida Public Service Commission PATS Certificate No. 5520.
- 12/11/97 - The Division of Administration mailed the regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt, which showed the RAF notice was signed for and delivered on January 26, 1998.
- 02/09/99 - Order No. PSC-99-0229 FOF-TI was issued. The company had until March 2, 1999 to file a protest and until March 9, 1999 to pay the \$500 fine and past due amount.

DOCUMENT NUMBER-DATE

05741 MAY-69

FPSC-RECORDS/REPORTING

On March 15, 1999, staff received a letter from the company dated February 16. A handwritten note dated March 11, advised that the letter and payment was originally mailed on February 16, and that the USPS had returned it to him on March 11. Staff requested the Division of Records and Reporting reopen the docket on March 16. After receiving the settlement offer and balance of the past due amount, the Commission voted at the April 20 Agenda Conference to accept the company's settlement offer.

On April 28, staff was made aware that this company's certificate had been canceled on March 9, after the original Order was issued, therefore, another vote by the Commission was required.

Accordingly, staff believes the Commission should reinstate the certificate and reaffirm its vote at the April 20, 1999 Agenda Conference to accept the settlement offer.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (J. Miller)

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