



# Public Service Commission

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

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RECORDS AND REPORTING

**DATE:** DECEMBER 9, 1999

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

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

**RE:** DOCKET NO. 990908-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3359 ISSUED TO RICHARD O. AND ANN C. HANCE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 12/21/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990908.RCM

### CASE BACKGROUND

- **06/11/93** - This company was granted Pay Telephone Certificate No. 3359.
- **08/24/99** - Ann Hance, co-owner, called staff and advised she had received a copy of the recommendation filed on August 19, and stated that she had mailed her 1998 regulatory assessment fee back in January. She stated that she would send another check for the fee, plus penalty and interest charges.
- **08/26/99** - The Commission received a check from the company for the 1998 regulatory assessement fee. The company reported no revenues for the period January 1 through December 31, 1998.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 990908-  
DATE: DECEMBER 9, 1999

- **09/20/99** - Order No. PSC-99-1817-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until October 11 to file a protest.
- **09/27/99** - Ms. Hance called staff and stated that she would file a settlement offer and pay the past due statutory penalty and interest charges for the years 1993, 1995, and 1996.
- **10/11/99** - The Commission received a letter, along with a check for all the past due statutory 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 Richard O. and Ann C. Hance to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal to pay regulatory assessment fees in a timely manner and follow up to insure that the fees were received. (Isler)

**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. Since January 30, 1999 fell on a weekend, the due date for the 1998 fees was February 1, 1999.

According to Commission records, this company had not submitted the regulatory assessment fee for 1998, along with statutory penalty and interest charges. In addition, the company had a past due balance of the penalty and interest charges for the years 1993, 1995, and 1996.

On October 11, 1999, the Commission received a letter from Ms. Hance, which enclosed a copy of the company's 1998 regulatory assessment fee form, along with a copy of its check dated January 31, 1999. Ms. Hance stated that "Having been made aware of the problems created through untimely filing and not checking the status of checks issued to your department, I can assure you that I will personally be more careful and not place my license in jeopardy again over this type of violation." Ms. Hance requested resolution of this docket without further penalty.

Due to the extenuating circumstances, staff believes that the company did attempt to comply with Commission rules by mailing the return and regulatory assessment fee on January 31, 1999. Although, the Commission did not receive the company's check and return, staff believes it would serve no purpose to fine the company. This recommendation is consistent with other Commission decisions under similar circumstances.

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

DOCKET NO. 990908-~~2~~  
DATE: DECEMBER 9, 1999

**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.