

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-FPSC
MAY 24 AM 11:39
RECORDS AND REPORTING

DATE: MAY 25, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *BP* *VMP/11*

RE: DOCKET NO. 992011-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4997 ISSUED TO PROLINE COMMUNICATIONS CORPORATION FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 06/06/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\992011.RCM

CASE BACKGROUND

- **12/25/96** - This company obtained Florida Public Service Commission PATS Certificate No. 4997.
- **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.
- **02/23/99** - The Commission received a check for partial payment of the 1998 RAF. The company reported revenues in the amount of \$25,732 for the period ended December 31, 1998.

DOCUMENT NUMBER-DATE

06396 MAY 24 8

FPSC-RECORDS/REPORTING

- **03/17/99** - The Division of Administration mailed a delinquent letter.
- **09/23/99** - Staff called the company and left a message asking for a return call.
- **01/20/00** - Mr. Chris Austell called staff and advised that he wanted this docket resolved, would pay the past due balance, and would propose a settlement. Mr. Austell asked staff to fax the information, which was done the same day.
- **02/21/00** - The Commission received a check for the balance of the 1997 and 1998 RAFs, plus statutory penalty and interest charges for 1996, 1997, and 1998. In addition, the company proposed a settlement.
- **03/13/00** - Staff faxed the company a note and advised that the 1999 RAF was now past due and explained that staff could not recommend approval of its settlement offer at this time.
- **04/06/00** - Staff wrote the company and explained that the 1999 RAF, plus statutory penalty and interest charges, remained unpaid.
- **04/29/00** - The Commission received a check for the 1999 RAF, penalty and interest charges. The company reported revenues in the amount of \$107.04 for the period ended December 31, 1999.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Proline Communications Corporation 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. 4997 should be canceled administratively. (Isler)

STAFF ANALYSIS: Prior to opening a docket, staff called the telephone number on file with the Master Commission Directory and left a message for the company's president for a return call. No call was received. After the docket was opened, but prior to staff taking a recommendation to the Commission, Mr. Chris Austell called staff and advised he would pay the past due amount and propose a settlement. The company has since paid the past due amounts in full, including all 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. 4997 should be canceled administratively.

DOCKET NO. 992011-10
DATE: MAY 25, 2000

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.