

State of Florida



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

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

**DATE:** JULY 20, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Pig*  
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *MP BK*

**RE:** DOCKET NO. 992009-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE SERVICE CERTIFICATE NO. 1788 ISSUED TO SUNSHINE SHELL FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

**AGENDA:** 08/01/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\992009.RCM

### CASE BACKGROUND

- **12/24/87** - This company obtained Florida Public Service Commission PATS Certificate No. 1788.
- **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.

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FPSC-RECORDS/REPORTING

- **03/23/99** - The Commission received a partial payment for the 1998 RAF and none of the statutory penalty and interest charges.
- **09/23/99** - Staff called the owner, Mr. Reuven Zfat. He advised that he would pay the past due balance for 1998, plus the penalty and interest charges for the years 1992, 1994, 1995, and 1998.
- **12/08/99** - The Division of Administration mailed the 1999 RAF notice.
- **02/29/00** - The Division of Administration mailed a delinquent notice for the 1999 RAF.
- **04/26/00** - Order No. PSC-00-0822-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate.
- **05/01/00** - Mr. Zfat called staff and advised he wished to keep his certificate active and requested that information on how to resolve this docket be mailed to him. The information was mailed on May 2.
- **05/16/00** - The Commission received a check for the 1998 RAF balance, the 1999 RAF, plus penalty and interest charges for the years 1992, 1994, 1995, 1998, and 1999. The company reported \$8,933.33 revenues for the period ended December 31, 1999. In addition, the company submitted a settlement which proposed to pay future settlements timely.
- **06/16/00** - Staff wrote the company and explained that staff could not recommend acceptance of its settlement offer as proposed and requested a response by July 3, 2000.
- **06/29/00** - The Commission received a settlement proposal.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Sunshine Shell 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. 1788 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After Order No. PSC-00-0822-PAA-TC was issued on April 26, 2000, the company paid the past due charges for 1992, 1994, 1995, 1998 and 1999, including all statutory penalty and interest charges. The company also 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. 1788 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.