



Public Service Commission

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RECORDS AND REPORTING

DATE: DECEMBER 20, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *PIK*
DIVISION OF LEGAL SERVICES (BANKS) *c.f.*

RE: DOCKET NO. 000965-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4345 ISSUED TO MALECON PHARMACY, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES, TELECOMMUNICATIONS COMPANIES.

AGENDA: 01/02/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\000965.RCM

CASE BACKGROUND

- **12/08/95** - This company obtained Pay Telephone Certificate No. 4345.
- **12/08/99** - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 01/31/00.
- **02/29/00** - The Division of Administration mailed the Delinquent Notice.
- **09/29/00** - Order No. PSC-00-1786-PAA-TC was issued, which imposed a \$500 fine for nonpayment of the 1999 RAF, plus statutory penalty and interest charges. The company had until October 20 to protest the Order.

DOCUMENT NUMBER-DATE

16243 DEC 20 8

FPSC-RECORDS/REPORTING

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- **10/13/00** - The Commission received a letter from Mr. Gaston Redondo, Manager, requesting voluntary cancellation of the company's certificate and paying the past due amount in full. The company reported revenues in the amount of \$312 for the period ended December 31, 1999.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Malecon Pharmacy, Inc. a voluntary cancellation of its Certificate No. 4345?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 4345 with an effective date of October 13, 2000. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, 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.

After Order No. PSC-00-1786-PAA-TC was issued on September 29, 2000, the company responded to the Order on October 13 by requesting voluntary cancellation of its certificate and paying the past due amount in full, including statutory penalty and interest charges.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 4345 should be granted with an effective date of October 13, 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. (Banks)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.