



Public Service Commission

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DATE: NOVEMBER 19, 1998

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) PK
DIVISION OF LEGAL SERVICES (WATTS) CBW MCB

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS

DOCKET NO. 981175-TC - SOUTHTEL
 DOCKET NO. 981179-TC - KHAIR N. DISLA, KHAIR K. DISLA,
 PATRICK L. SEVIGNY D/B/A AEROSYSTEM COMMUNICATION

AGENDA: 12/01/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981175.RCM

CASE BACKGROUND

1.) Docket #981175-TC - Southtel - This company obtained Certificate Number 2886 on December 24, 1991. On December 11, 1997, the Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the unopened envelope on December 13, 1997 stamped "return to sender". No reason was given for the return. In addition, the Division of Records and Reporting notified staff by memorandum that mail to this company was returned by the USPS stamped "return to sender" and "attempted, not known." The Division of Administration notified staff by memorandum that this company did not pay its 1996 and 1997 RAFs, plus statutory

penalties and interest for the years 1996 and 1997. As of November 9, 1998, the company has not paid the past due amount.

2.) Docket #981179-TC - Khair N. Disla, Khair K. Disla, Patrick L. Sevigny d/b/a Aerosystem Communication - This company obtained Certificate Number 3771 on August 23, 1994. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the unopened envelope on January 7, 1998, stamped "return to sender" and "unclaimed". The envelope also indicates the Post Office attempted delivery on December 13, 1997 and December 27, 1997. The Division of Administration notified staff by memorandum that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the year 1997. In addition, the company paid a portion of the penalties and interest for the 1995 RAF, but not the full amount. As of November 9, 1998, the company has not paid the past due amount.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 6 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 6 if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within five business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the pay telephone certificate numbers listed on page 6 should be canceled. (Isler)

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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.

Staff was notified by the Division of Administration that each of the pay telephone providers listed on page 6 had not paid their 1997 regulatory assessment fees, plus statutory penalties and interest. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with the Commission rules or cancel the companies respective certificate numbers if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within five business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the certificate numbers listed on page 6 should be canceled.

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ISSUE 3: Should these dockets be closed?

RECOMMENDATION: Yes, if no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, or cancellation of the certificate, these dockets should be closed. (Watts)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon payment of the fines and fees, or upon cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>	<u>RAFs</u>	<u>P and I</u>
981175-TC	Southtel	2886	1996 1997	1996 1997
981179-TC	Khair N. Disla, Khair K. Disla, Patrick L. Sevigny d/b/a Aerosystem Communication	3771	1997	1995* 1997

* Aerosystem Communication paid its 1995 RAFs, plus a portion of the penalties and interest on March 5, 1996. Therefore, the company has a balance due for the statutory penalties and interest charges for the 1995 RAF year.