

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-

DATE: DECEMBER 3, 1998

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Dij AD*
DIVISION OF LEGAL SERVICES (WATTS) *cent nrb*

RE: DOCKET NO. **981173-TC** - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 2837 ISSUED TO LYNN E. MAXWELL, JR., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 12/15/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981173.RCM

CASE BACKGROUND

Lynn E. Maxwell, Jr. obtained Florida Public Service Commission Pay Telephone Certificate Number 2837 on November 2, 1991.

On December 11, 1997, the Division of Administration mailed the regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt which showed the notice was signed for and delivered on December 15, 1997.

The Division of Administration advised staff by memorandum that this company did not pay its 1997 RAFs and statutory penalties and interest charges for the years 1994 and 1997.

DOCUMENT NUMBER-DATE

13447 DEC-18

FPSC-RECORDS/REPORTING

After the docket was opened, but prior to staff filing a recommendation, Mr. Maxwell called and advised he wanted to keep his certificate, would pay the past due amount, and make a settlement proposal. This company has since paid all past due charges, including penalties and interest, submitted a proposed settlement offer of \$100, and agreed to take the necessary corrective action. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Lynn E. Maxwell, Jr. to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept Lynn E. Maxwell, Jr.'s settlement offer. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. 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. (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.

The Division of Administration notified staff by memorandum that Lynn E. Maxwell, Jr. did not pay the regulatory assessment fees for the RAF year 1997 and the statutory penalties and interest charges for the years 1994 and 1997.

On October 6, 1998, Mr. Maxwell called and stated that he wanted to keep his pay telephone certificate, would pay the past due amount, and make a settlement proposal. On November 2, 1998, the Commission received the company's past due charges in full (payment postmarked October 30, 1998). In addition, on November 17, the Commission received a settlement proposal from the company. (ATTACHMENT A) The letter advised that he turns everything he

receives over to his accountant and that RAF form must have been "misplaced, lost, or never received." The company promised to pay the fee before January 30th of each year and offered to pay a \$100.00 settlement in lieu of having its certificate canceled.

Staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. 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.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$100 contribution, this docket should be closed. (Watts)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$100 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.

DOCKET NO. 981173-
DATE: DECEMBER 3, 1998
ATTACHMENT A

MAXWELL SYSTEMS INC.
1933 ARROWHEAD DRIVE N.E.
ST. PETERSBURG, FLORIDA 33703

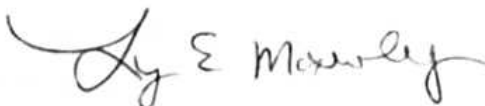
NOV 17 8 19
11/13/98

To Florida Public Service Commission:

I am sending this letter in regards to my Regulatory Assessment Fee that was late. The reason it was late was because I never to the best of my knowledge received the form in the mail. I turn every thing I receive over to my accountant, and somehow it was misplaced,lost or never received.I will make every effort to see that this does not happen in the future and promise to pay my assessment fees by January 30 each year. At this time I propose a settlement of \$ 100.00 be paid in lieu of cancellation of my certificate. Thank you very much for your consideration in this matter.

Sincerely, Lynn E Maxwell Jr.

Certificate # 981173-TC



RECEIVED

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CMU