

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: JANUARY 21, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *AJC*
DIVISION OF LEGAL SERVICES (K. PERA) *mcg for KP*

RE: DOCKET NO. 981132-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4139 ISSUED TO NORTH AMERICAN TELEPHONE-TPA., INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 02/02/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981132.RCM

CASE BACKGROUND

North American Telephone-Tpa., Inc. obtained Florida Public Service Commission Pay Telephone Certificate Number 4139 on April 28, 1995.

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

The Division of Administration advised staff by memorandum that this company had not paid its 1997 RAF, plus statutory penalties and interest for the year 1997.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Order No. PSC-98-1546-FOF-TC was issued November 23, 1998 which imposed a \$500 fine for violation of Rule 25-4.0161, Florida Administrative Code or canceled the company's certificate. After the November 3, 1998 Agenda Conference, but prior to the Order being issued, staff received a letter from Ms. Laura M. Booker, Attorney for North American, requesting voluntary cancellation of the certificate and which enclosed a check for the 1997 and 1998 regulatory assessment fees, plus statutory penalty and interest charges. Ms. Booker stated that the company was no longer involved in the pay telephone business. (ATTACHMENT A) Therefore, based on the company's response to the Order, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant North American Telephone-Tpa., Inc. a voluntary cancellation of its pay telephone certificate number 4139?

RECOMMENDATION: Yes. The Commission should grant North American Telephone-Tpa., Inc. a voluntary cancellation of pay telephone certificate number 4139 with an effective date of November 9, 1998. (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 North American had not submitted the regulatory assessment fees for 1997, along with statutory penalties and interest charges for the year 1997.

After the Commission voted to fine or cancel this company's certificate but prior to Order No. PSC-98-1546-FOF-TC being issued on November 23, 1998, the company paid the regulatory assessment fees for 1997 and 1998, plus the statutory penalty and interest charges and requested voluntary cancellation of its pay telephone certificate. The company advised staff that it is no longer in the pay telephone business. (ATTACHMENT A)

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Accordingly, staff believes the company's request for a voluntary cancellation of its pay telephone certificate should be granted with an effective date of November 9, 1998.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña)

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

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DATE: JANUARY 2 1999
ATTACHMENT A



North American Telephone-TPA, Inc.

DEPOSIT
D032

DATE
NOV 12 1998

November 4, 1998

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0870

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MAIL ROOM
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Dear Ms. Isler,

My name is Laura M. Booker and I am corporate counsel for North American Telephone Co., I spoke with your office in regards to this company's pay telephone certificates. The Docket Number pertaining to the Commission's action against this company is 981132-TC - North American Telephone - TPA, Inc. I was informed by your office that, although North American Telephone Co. is no longer involved in the pay telephone business, the pay telephone certificate does not lapse but must instead be cancelled. Therefore, I was told, that this company owes the Florida Public Service Commission \$68.00 for 1997 and \$50.00 for 1998. Please find enclosed a check for the total amount of \$118.00, and please allow this letter to serve as our cancellation of our pay telephone certificate.

Thank you for your cooperation and attention to this matter. Should you have any questions, please feel free to contact me at (813) 272-7000 X112.

Sincerely,

Laura M. Booker, Esq.
Corporate Counsel for North American Telephone Co.

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