

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: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *PJ* *JS*
DIVISION OF LEGAL SERVICES (J. MILLER/K. PEÑA) *JM* *MC3*

RE: DOCKET NO. 981511-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5405 ISSUED TO ALLTEL COMMUNICATIONS, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 03/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981511.RCM

CASE BACKGROUND

ALLTEL Communications, Inc., obtained Florida Public Service Commission Pay Telephone Certificate No. 5405 on July 25, 1997.

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 penalty and interest charges for the year 1997.

DOCUMENT ID: 02718 DATE

02718 MAR-3 99

DIVISION OF RECORDS AND REPORTING

After the docket was opened, Mr. Jack Mitchell, Vice President, called staff and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. In addition, the company proposed to pay future regulatory assessment fees by the due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

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

RECOMMENDATION: Yes. The Commission should accept the company'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 the company had not submitted the 1997 regulatory assessment fees, along with statutory penalty and interest charges for the year 1997.

After the docket was opened, Mr. Jack Mitchell, Vice President, called staff and advised that the company wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. In addition, the company proposed to pay future regulatory assessment fees by the

DOCKET NO. 981511-C
DATE: MARCH 4, 1999

due date of each year and offered a \$100 settlement to resolve this case. (ATTACHMENT A)

Accordingly, 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. (J. Miller/K. Peña)

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.

ALLTEL Communications



DOCKET NO. 981511-TC
DATE: MARCH 4, 1999
ATTACHMENT A

99 FEB 11 1:08

Jack Mitchell

Vice President-State Regulatory Matters
501-905-8330-office, 501-905-6299 fax

January 29, 1999

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: ALLTEL Communications, Inc. Payphone Certificate

Dear Ms. Isler:

ALLTEL Communications, Inc. (ACI) submits this letter to inform you of its desire to retain Payphone certificate No. 5405. In response to the charges filed in Docket No. 981511 for violation of Rule 25-4.0161, FAC., Regulatory Assessment Fees, ACI has paid all Regulatory Assessment Fees and penalties and interest due for 1997. ACI has also submitted its Regulatory Assessment Fees due for 1998 by certified mail, postmarked January 29, 1999. We apologize for this oversight and commit to pay all future assessments in a timely manner.

It is ACI's desire to fully comply with all Florida Public Service Commission rules and regulations applicable to its operations, and regret any inconvenience our oversight may have caused. ACI respectfully offers to resolve this issue by making a \$100 settlement offer. I look forward to hearing from you soon concerning our offer.

Sincerely,

Jack Mitchell
bw

cc: Bettye Willis
Deanna McKinney
Darrell Mennenga

FEB 05 1999

-4-

CMU