

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 (BAYO)

FROM: DIVISION OF COMMUNICATIONS (ISLER) *PIG*
DIVISION OF LEGAL SERVICES (K. PEÑA) *YMP MCB*

RE: DOCKET NO. 981545-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 1569 ISSUED TO CITY TELEPHONE COMPANY D/B/A CITITEL, 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\981545.RCM

CASE BACKGROUND

City Telephone Company d/b/a Cititel obtained Florida Public Service Commission Pay Telephone Certificate No. 1569 on May 28, 1987.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. Staff received the unopened envelope from the United States Postal Service (USPS) which was stamped "return to sender" and "box closed - no forwarding order".

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 years 1994, 1996, and 1997.

DOCUMENT NUMBER-DATE

02725 MAR-3 99

FPSC-RECORDS/REPORTING

RECORDS AND REPORTING

MAR-3 PM 4:12

OS/ENR/ASCO

After the docket was opened, Mr. Phil Whitaker, 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 Cititel 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 years 1994, 1996, and 1997.

After the docket was opened, Mr. Phil Whitaker, 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

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

The company's post office box was temporarily closed for a short period of time. The company advised staff that its correct address and telephone number was on file; therefore, staff did not pursue the reporting requirements apparent violation.

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. (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.

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ATTACHMENT A



City Telephone Company

Payphone: Sales, Management, Installation, and Service

1131 E. Commercial Boulevard
Suite 100
Fort Lauderdale, Florida 33334

RECEIVED

January 29, 1999

FEB 26 1999

CMU

Paula Isler
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0876

Dear Ms Isler:

re: Docket #981545-TC

Thank you for your telephone call yesterday in reference to City Telephone Company's 1997 Regulatory Assessment Fee Return.

During our conversation you cited the fact that we were not in compliance with the PSC's filing requirements and did not file our 1997 return in the time period allocated.

Please accept my apology, but we never received a 1997 return form until a PSC representative brought it to our attention in the month of November of 1998. It was discovered that the PSC had attempted to mail us a blank form early in the year, but it was returned because our post office box had been temporarily closed. Therefore, it became unbeknownst to us that we hadn't filed.

We are committed to keeping our payments to the PSC and want to continue to operate our pay telephone company of 18-phones. Therefore, we promise to bring our payments current and, thereafter to keep them current. We appeal to the PSC to be lenient as to any ruling that might follow. We would like to submit an offer of \$100 to settle any grievance that the PSC may have against City Telephone Company.

Thank you for your consideration of my request.

Phil Whitaker - President

Cc: file

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