

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-

RECORDS AND REPORTING
50 MAR -3 PM 4:12
RECEIVED-PSC

DATE: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (WATTS) *MCB for CBW*

RE: DOCKET NO. 981176-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 2644 ISSUED TO TERESA M. MONTE D/B/A SYNCOM COMMUNICATIONS, 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\981176.RCM

CASE BACKGROUND

Syncom Communications, obtained Florida Public Service Commission Pay Telephone Certificate No. 2644 on April 2, 1991.

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 16, 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 years 1992, 1994, and 1997.

DOCUMENT NUMBER-DATE

02737 MAR-3 99

FPSC-RECORDS/REPORTING

After the docket was opened, Ms. Teresa Monte 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 Syncom 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 regulatory assessment fees for 1997, along with statutory penalty and interest charges for the year 1997.

After the docket was opened, Ms. Teresa Monte, the company's 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)

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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. (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.

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ATTACHMENT A



SYNCOM COMMUNICATIONS

981176
RECEIVED

FEB 25 1999

CMU

19 November 1998

Public Service Commission
2540 Shumard Oak Boulevard
Capital Circle Office Center
Tallahassee, FL 32399
Attn: Admin

Dear Sirs:

Due to nonpayment of my 1997 regulatory fees I understand that you have started proceedings to have my certificate (2644) revoked. In lieu of my certificate being cancelled, I hope you will please accept my settlement proposal of \$100.00. As you can see from my previous payment history, there has been a lot of confusion on my part as to how much money that I needed to remit. Even though I hadn't paid '97 (the reason for your action against me, it's now been paid), I have overpaid \$200.00 from '91 to '94. The reason for this, I suppose, was that you used to send out two forms per year to fill out and I sent \$50.00 each time instead of the proper amount of \$25.00 biannually or \$50.00 annually.

I now understand that one payment of \$50.00 annually is to be made by January 30th each year and will make this payment on time from now on. Thank you for your consideration of acceptance of my settlement proposal in this very important matter.

Sincerely,

A handwritten signature in cursive script that reads "Teresa M. Monte".

Teresa M. Monte

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