

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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REGULATORY AND REPORTING

**DATE:** NOVEMBER 4, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAVO)

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *Pij*  
DIVISION OF LEGAL SERVICES (K. PEÑA; BEDELL) *WMP*

**RE:** DOCKET NO. 991018-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3772 ISSUED TO NORMAN C. MOORE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

**AGENDA:** 11/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991018.RCM

CASE BACKGROUND

- **06/10/94** - This company obtained Florida Public Service Commission PATS Certificate No. 3772.
- **12/10/98** - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to February 1, 1999.
- **03/17/99** - The Division of Administration mailed a delinquent letter.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **09/07/99** - After today's Agenda Conference, Mr. Norman Moore, owner, called and requested information on how to resolve this docket as he wished to keep his certificate active. He advised that he would pay the outstanding balance and make a settlement offer.
- **09/10/99** - The Commission received the 1998 RAF, including statutory penalty and interest charges. The company reported no revenues for the period ending December 31, 1998.
- **09/21/99** - Order No. PSC-99-1867-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until October 21, 1999 to respond to the Order.
- **10/01/99** - The Commission received a letter from Mr. Moore which proposed to pay a settlement of \$100 (and included the \$100 check with his proposal) and pay future fees on a timely basis.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Norman C. Moore to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After the September 7, 1999 Agenda Conference, the company's owner, Mr. Moore, called and advised that he would pay the past due amount in full and make a settlement offer. The Commission received the regulatory assessment fee, including statutory penalty and interest charges, on September 10, 1999. On September 20, 1999, Order No. PSC-99-1816-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until October 21 to respond to the Order. On October 1, 1999, Mr. Moore wrote staff and offered a settlement in the amount of \$100, which was enclosed with his offer, and proposed to pay future RAFs on a timely basis.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively.

DOCKET NO. 991018-TC  
DATE: NOVEMBER 4, 1999

**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; Bedell)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed.