

State of Florida



Public Service Commission

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RECORDS/REPORTING

-M-E-M-O-R-A-N-D-U-M-

DATE: FEBRUARY 17, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *pic*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *kmf sk*

RE: DOCKET NO. 991079-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4907 ISSUED TO JOE KAISER ALNASERY FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS

AGENDA: 02/29/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991079.RCM

CASE BACKGROUND

- **08/29/96** - This company obtained Florida Public Service Commission Pay Telephone Certificate No. 4907.
- **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

- **10/22/99** - Order No. PSC-99-2089-PAA-TC was issued, which imposed a \$1,000 fine (\$500 for each rule violation) or canceled the company's certificate.
- **11/01/99** - Mr. Alnasery, owner, contacted staff. He advised that he had notified the Commission of his new address in July 1999, therefore, did not believe that the \$500 fine associated with the reporting requirements violation was appropriate. In addition, he advised that he would pay the past due amount and make a settlement offer on the RAF violation.
- **11/15/99** - The Commission received a payment for the past due RAF amount and \$100 as settlement to this docket, along with a settlement proposal.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Joe Kaiser Alnasery 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 Order was issued, the company paid the past due amount in full. In addition, the company has since offered a settlement in the amount of \$100 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.

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ISSUE 2: Should the Commission vacate that portion of Order No. PSC-99-2089-PAA-TC which imposed a \$500 fine for violation of reporting requirements?

RECOMMENDATION: Yes. (Isler)

STAFF ANALYSIS: The Commission received mail that was returned by the US Postal Service in February and March 1999. Staff opened the docket in August 1999, and later discovered that the company had notified the Commission of its new address in July, prior to the docket being opened. Accordingly, staff believes that the portion of Order No. PSC-99-2089-PAA-TC which imposed a \$500 fine for violation of the reporting requirements issued on October 22, 1999, should be vacated.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (K. Peña; B. Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.