



Public Service Commission

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RECORDS AND REPORTING

DATE: OCTOBER 5, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (BANKS) *PR*

RE: DOCKET NO. 001128-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 6083 ISSUED TO WAYNE WYCKOFF FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 10/17/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001128.RCM

CASE BACKGROUND

- 05/21/99 - This company obtained PATS Certificate No. 6083.
- 12/08/99 - The Division of Administration mailed the regulatory assessment fee (RAF) notice. Payment was due January 31, 2000.
- 02/29/00 - The Division of Administration mailed a delinquent notice to the company.
- 04/04/00 - The Commission received a letter dated March 30, 2000, from the owner, Mr. Wyckoff, which requested cancellation of his certificate. Mr. Wyckoff asked that the Commission advise him of any fees due.

DOCUMENT NUMBER-DATE

12540 OCT-38

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- **04/24/00** - Staff wrote the company and advised that before we could recommend a voluntary cancellation, it needed to pay the 1999 RAF, including penalty and interest charges, and advise when the 2000 fee would be paid. The 1999 and 2000 RAF forms were enclosed.
- **09/27/00** - As of this date, the company has not paid the past due amount.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Wayne Wyckoff a voluntary cancellation of Pay Telephone Certificate No. 6083?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6083 on its own motion, effective on the date of issuance of the Consummating Order. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30, or the next business day, 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.

After the RAF notice and delinquent notice were mailed, the company wrote a letter and requested cancellation of its certificate. Staff wrote the company and included the 1999 and 2000 RAF forms and advised that before a voluntary cancellation could be granted, the company needed to pay the past due amount and pay the 2000 fee or advise when it would be paid. As of September 27, 2000, the company has not paid the 1999 RAF, including statutory penalty and interest charges, or advised when the 2000 fee would be paid. Accordingly, the Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6083 on its own motion, effective on the date of issuance of the Consummating Order.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order. The docket should then be closed upon receipt of the fees or cancellation of the certificate. (Banks)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of a Consummating Order and upon receipt of the fees or cancellation of the certificate.