



Public Service Commission

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RECORDS AND REPORTING

DATE: OCTOBER 26, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *DK*
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE c.s.f.*

RE: DOCKET NO. 001061-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5052 ISSUED TO PAYCOM, INC. FOR VIOLATION OF RULE 25-24.520, F.A.C., REPORTING REQUIREMENTS

AGENDA: 11/07/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001061.RCM

CASE BACKGROUND

- **01/29/97** - This company obtained Florida Public Service Commission Pay Telephone Certificate No. 5052.
- **04/02/99** - The company paid its 1998 Regulatory Assessment Fee (RAF) for the period ended December 31, 1998. The company reported revenues in the amount of \$501,445.
- **07/14/99** - The Division of Administration mailed the company a Penalty and Interest Notice.
- **08/10/99** - The company overpaid the past due penalty and interest amount associated with the 1998 RAF, therefore, the amount overpaid (\$59.74) was applied toward the 1999 RAF.

DOCUMENT NUMBER-DATE

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- **11/30/99** - The US Postal Service (USPS) returned mail addressed to this company stamped "return to sender" and "no forward order on file."
- **08/02/00** - Staff attempted to call the company for updated reporting requirements, but was unsuccessful.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel Paycom, Inc.'s pay telephone certificate for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the company's Certificate No. 5052 should be canceled administratively. (Isler)

STAFF ANALYSIS: Pursuant to Rule 25-24.520, Florida Administrative Code, Reporting Requirements, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. Mail sent to the company was returned to the Commission by the USPS. It is been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information, nor has the company requested cancellation of its certificate in compliance with Rule 25-24.514, Florida Administrative Code. In addition, staff has attempted to contact the company by telephone, but was unsuccessful. This fine amount is consistent with amounts used for recent, similar violations.

Accordingly, staff recommends that the Commission assess a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the company's Certificate No. 5052 should be canceled administratively.

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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 the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and required information or cancellation of the certificate. (Elliott)

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 issuance of a Consummating Order and upon receipt of the fine and required information or cancellation of the certificate.