



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECORDS AND  
REPORTING

00 OCT 25 AM 10:45

RECEIVED-PPSC

**DATE:** OCTOBER 26, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Pji* *RD*  
DIVISION OF LEGAL SERVICES (ELLIOTT) *DAE* *C.S.Z.*

**RE:** DOCKET NO. 001091-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 6002 ISSUED TO GEORGE T. TOBIN, SR. D/B/A PT COMMUNICATIONS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**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\001091.RCM

### CASE BACKGROUND

- **02/16/99** - This company obtained PATS Certificate No. 6002.
- **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.
- **09/05/00** - The Commission received a letter from the company requesting voluntary cancellation of its certificate.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- **09/12/00** - Staff wrote Mr. Tobin, owner, to discuss the company's request for voluntary cancellation. The 1999 and 2000 RAF forms were enclosed with staff's letter.
- **09/29/00** - Mr. Tobin called staff and advised that he was unable to pay the RAFs.
- **10/18/00** - 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 George T. Tobin, Sr. d/b/a PT Communications a voluntary cancellation of Pay Telephone Certificate No. 6002?

**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. 6002 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 1999 RAF notice and delinquent notice were mailed, Mr. George T. Tobin, Sr. wrote the Commission a letter on September 5, 2000 and requested voluntary cancellation of PT Communications' pay telephone certificate. The letter stated that after obtaining the certificate, Mr. Tobin decided against getting into the pay telephone business. On September 12, 2000, staff wrote the company and explained that in order to grant a voluntary cancellation, the company needed to pay the 1999 RAF, including statutory penalty and interest charges, and either pay the 2000 fee or advise when it would be paid. The RAF forms for 1999 and 2000 were enclosed with staff's letter. Mr. Tobin called staff on September 29 and stated

that he had lost between \$300 and \$500 and stated that he could not afford to pay anything else that dealt with his certificate. He stated he understood staff could not recommend a voluntary cancellation. As of October 18, 2000, the company has not paid the 1999 RAF, including statutory penalty and interest charges. Accordingly, the Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6002 on its own motion, effective on the date of issuance of the Consummating Order.

**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. (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 the issuance of a Consummating Order and upon receipt of the fees or cancellation of the certificate.