

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

**DATE:** DECEMBER 20, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *PI*  
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE E.P.F.*

**RE:** DOCKET NO. 001657-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4525 ISSUED TO PUBLIC COMMUNICATIONS SYSTEMS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 01/02/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\001657.RCM

CASE BACKGROUND

- **02/27/96** - This company obtained Pay Telephone Certificate No. 4525.
- **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.
- **08/24/00** - The Commission received a letter from the company, which requested cancellation of its certificate.

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- **08/25/00** - Staff wrote the company and advised that before we could recommend a voluntary cancellation, it needed to pay the past due penalty and interest charges for 1998 and 1999, and provide a date certain the 2000 fee would be paid.
- **12/08/00** - As of this date, the company has not paid the past due amount.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant Public Communications Systems, Inc. a voluntary cancellation of Certificate No. 4525?

**RECOMMENDATION:** No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 4525 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. (Isler)

**STAFF ANALYSIS:** After the Commission received the company's letter, which requested cancellation of its certificate, staff wrote the company on August 25, 2000. Staff explained that a voluntary cancellation could not be recommended when there was an outstanding balance.

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.

As of December 8, 2000, the company has not paid the 1998 and 1999 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 certificate. The Commission should cancel the company's Certificate No. 4525 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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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. (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.