



Public Service Commission

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DEC 20 AM 11:15
RECORDS AND REPORTING

DATE: DECEMBER 20, 2000

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

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

RE: DOCKET NO. 000996-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4999 ISSUED TO ERAZO TELCOMM INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES, TELECOMMUNICATIONS COMPANIES.

AGENDA: 01/02/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\000996.RCM

CASE BACKGROUND

- **12/25/96** - This company obtained Pay Telephone Certificate No. 4999.
- **12/08/99** - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 01/31/00.
- **02/29/00** - The Division of Administration mailed the Delinquent Notice.
- **10/02/00** - Order No. PSC-00-1800-PAA-TC was issued, which imposed a \$500 fine for nonpayment of the 1999 RAF, plus statutory penalty and interest charges. The company had until October 23 to protest the Order.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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- **10/13/00** - The Commission received a letter from Mr. Franklin O. Erazo, Owner/President, which advised he sold his business on July 31, 1999 and included a check for the minimum RAF. The company reported no revenues for the period ended December 31, 1999.
- **10/18/00** - Staff wrote the company and explained that before we could recommend granting a voluntary cancellation, the past due penalty and interest needed to be paid. In addition, the company needed to either pay the 2000 fee or provide a date certain the fee would be paid.
- **11/07/00** - The Commission received payment for the past due penalty and interest charges, plus payment for the 2000 fee.

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 Erazo Telcomm Inc. a voluntary cancellation of its Certificate No. 4999?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 4999 with an effective date of October 13, 2000. (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 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 Order No. PSC-00-1800-PAA-TC was issued on October 2, 2000, the company responded to the Order on October 13 by requesting voluntary cancellation of its certificate and paying the 1999 RAF. Subsequently, on November 7, the company paid the past due statutory penalty and interest charges plus the 2000 RAF.

Accordingly, staff believes the company's request for a voluntary cancellation of its Certificate No. 4999 should be granted with an effective date of October 13, 2000.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (Elliott)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.