

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-FPSC  
DEC 20 AM 11:16  
RECORDS AND REPORTING

**DATE:** DECEMBER 20, 2000

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

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

**RE:** DOCKET NO. 000931-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3654 ISSUED TO WELLINGTON N. DICKSON FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 01/02/01 - REGULAR AGENDA - FINAL ACTION

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\000931.RCM

CASE BACKGROUND

- **01/27/94** - This company was granted Pay Telephone Certificate No. 3654.
- **12/08/99** - The 1999 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 01/31/00.
- **12/20/99** - The Commission received the company's 1999 RAF return with a note requesting cancellation of his certificate. The company did not include a payment for the RAF. The company reported no revenues for the period ended December 31, 1999.
- **02/29/00** - The Division of Administration mailed the Delinquent Notice.

DOCUMENT NUMBER-DATE

16239 DEC 20 8

FPSC-RECORDS/REPORTING

- **06/07/00** - Staff wrote the company and advised that a voluntary cancellation could not be granted with an outstanding balance.
- **06/19/00** - The Commission received a letter from Mr. Dickson, the owner, who advised that he did not believe he should have to pay the fee.
- **09/25/00** - Order No. PSC-00-1707-PAA-TC was issued, which imposed a \$500 fine or cancelled the company's certificate. The company had until October 16 to protest the Order.
- **10/02/00** - The Commission received a letter from Mr. Dickson responding to the Order.
- **10/19/00** - Staff called the company at its number on file with the Commission and spoke with Mrs. Dickson. Staff asked if Mr. Dickson wanted a hearing. She advised she would discuss it with her husband and have him call back.
- **12/13/00** - As of this date, the company has not paid the past due balance or contacted staff.

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

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should Order No. PSC-00-1707-PAA-TC be rendered a Final Order and Docket No. 000931-TC closed?

**RECOMMENDATION:** Yes. The company has not submitted a Response to the Commission's Proposed Agency Action Order in compliance with Rule 28-106.201, Florida Administrative Code. Therefore, Order No. PSC-00-1707-PAA-TC should be rendered a Final Order. If the company fails to pay in full the required 1999 fees, including statutory penalty and interest charges, within five business days of the issuance of the Order from this recommendation, Wellington N. Dickson's Certificate No. 3654 should be cancelled with an effective date of December 20, 1999 and in accordance with Order No. PSC-00-1707-PAA-TC. Whether or not Wellington N. Dickson pays the required 1999 fees, and penalty and interest charges, this docket should be closed upon expiration of the five business days as no further action by the Commission is required. If Wellington N. Dickson fails to pay the 1999 fee, plus the 1999 statutory penalty and interest charges, the unpaid fees should be forwarded to the Office of the Comptroller for further collection efforts. (Isler; Elliott)

**STAFF ANALYSIS:** Commission records show that on December 20, 1999, we received the company's 1999 RAF return without a payment. A hand-written note stated "I am tired of losing money and damaged equipment, so I quit." The return was dated December 15, 1999 and signed by Mr. Dickson.

Staff wrote Mr. Dickson on June 7, 2000 and explained that since his request for cancellation was received on December 20, 1999, staff could recommend voluntary cancellation effective that date if he paid the 1999 RAF, including statutory penalty and interest charges.

On June 19, 2000, the Commission received a letter from Mr. Dickson, who stated that he saw "no reason to pay out an additional fee to quit a business that lost money." He went on to state that he had sent the Commission "prior notification when I paid my last bill so I wouldn't get stuck for another year."

Staff obtained a copy of the company's 1998 RAF return, which was dated January 18, 1999 and signed by Mr. Dickson. The 1998 return shows that Mr. Dickson reported revenues in the amount of \$118.60 for the period ended December 31, 1998 and that he still had one payphone in operation on December 31, 1998. (ATTACHMENT A)

DOCKET NO. 000931-TC  
DATE: DECEMBER 20, 2000

By Order No. PSC-00-1707-PAA-TC, issued September 25, 2000, the company was required to respond to the Order by October 16, 2000. On October 2, 2000, the Commission received a response from the company.

Mr. Dickson stated that he had not been in business since October 1998 and notified the Commission at that time. He stated he notified the Commission again in 1999. He stated that he is not in "violation of any rule" and is "not responsible for any assessment fee when I wasn't in business." He ended his letter by stating "as far as I'm concerned, my case was closed October 1998 and I owe nothing."

On October 19, 2000, staff called the telephone number for the company and spoke with Mrs. Dickson. Staff explained that the Commission needed to know if Mr. Dickson wanted a hearing. Mrs. Dickson advised that her husband was not in, but that she would have him return staff's call. As of December 13, 2000, the Commission has not heard from Mr. Dickson. Staff emphasizes that Wellington N. Dickson did not file a response to the Commission's Proposed Agency Action Order as required by Rule 28-106.201, Florida Administrative Code, and did not request a hearing. Instead, the company simply advised that it did not believe it owed the fees.

The company has not submitted a Response to the Commission's Proposed Agency Action Order in compliance with Rule 28-106.201, Florida Administrative Code. Therefore, Order No. PSC-00-1707-PAA-TC should be rendered a Final Order. If the company fails to pay in full the required 1999 fees, including statutory penalty and interest charges, within five business days of the issuance of the Order from this recommendation, Wellington N. Dickson's Certificate No. 3654 should be cancelled with an effective date of December 20, 1999 and in accordance with Order No. PSC-00-1707-PAA-TC. Whether or not Wellington N. Dickson pays the required 1999 fees, and penalty and interest charges, this docket should be closed upon expiration of the five business days as no further action by the Commission is required. If Wellington N. Dickson fails to pay the 1999 fee, plus the 1999 statutory penalty and interest charges, the unpaid fees should be forwarded to the Office of the Comptroller for further collection efforts.

DATE: DECEMBER 20, 2000 ATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 02/01/1999

**Pay Telephone Service Provider Regulatory Assessment Fee Return** ✓

STATUS:

Actual Return  
 Estimated Return

PERIOD COVERED:  
01/01/1998 TO  
12/31/1998

Florida Public Service Commission  
(See Filing Instructions on Back of Form)

TF007  
Wellington N. Dickson  
2302 Hollister Road  
Marianna, FL 32446-6882

99 JAN 21 AM 8:58

MAIL ROOM

FOR PSC USE ONLY	
Check# <u>7268</u>	
\$ <u>50.00</u>	0603002
	003001
	P
	0603002
	004011
	I
Postmark Date <u>1-19-99</u>	
Initials of Preparer <u>JCS</u>	

Please Complete Below if Official Mailing Address Has Changed

Wellington Dickson service (Name of Company) 2302 Hollister Rd (Address) Marianna FL (City/State) 32446 (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	DEPOSIT	DATE	AMOUNT
1.	Gross Operating Revenue	<u>D066</u>	<u>JAN 21 1999</u>	<u>\$ 781.86</u>
2.	Gross Intrastate Revenue			
3.	LESS: Amounts Paid for Services to Local Telephone Companies (Attach Listing)*			<u>(663.26)</u>
4.	<b>TOTAL REVENUES for Regulatory Assessment Fee Calculation (Line 2 less Line 3)</b>			<u>\$ 118.60</u>
5.	Regulatory Assessment Fee Due - (Multiply Line 4 by 0.0015)			<u>0.1779</u>
6.	Penalty for Late Payment			
7.	Interest for Late Payment			
8.	<b>TOTAL AMOUNT DUE</b>			<u>\$ 50.00</u>

AS PROVIDED IN SECTION 364.336 FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

THIS FORM MUST BE COMPLETED AND RETURNED REGARDLESS OF THE AMOUNT OF REVENUES REPORTED

9. Number of pay telephones in operation at close of period covered by this Return 1

\*Each amount paid by a pay telephone company to a telecommunications company providing local service for use of the local network shall be deducted from intrastate revenue for purposes of determining the amount of the regulatory fee assessed the pay telephone company.

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

Wellington Dickson  
(Signature of Company Official)

Owner (Title) 1-18-99 (Date)

Wellington Dickson  
(Please Print Name)

Telephone Number (850) 5922455 Fax Number ( )

F.E.I. No. \_\_\_\_\_