



# Public Service Commission

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

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000933-TC  
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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; K. PEÑA) *W* *VMP* *JAE*

**RE:** CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE SERVICE CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 000933-TC - TEL CALL COMMUNICATION INC.  
 DOCKET NO. 001041-TC - JAY GOTTLIEB  
 DOCKET NO. 001100-TC - TOUCHTEL COMMUNICATIONS INC.  
 DOCKET NO. 001169-TC - CYBERTEX COMPUTER, INC. D/B/A CTX PAYPHONE COMPANY

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

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\000933.RCM

### CASE BACKGROUND

On December 8, 1999, the telecommunications companies listed on page 4 were mailed the 1999 Regulatory Assessment Fee (RAF) Notice and payment was due by January 31, 2000. On February 29, 2000, the Division of Administration mailed a delinquent notice for the 1999 RAF.

After the dockets were opened, the companies listed on page 4 paid the past due amounts in full and offered to pay a \$100 settlement and proposed to pay future regulatory assessment fees on a timely basis.

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FPSC-RECORDS/REPORTING

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 accept the settlement offer proposed by each company listed on page 4 to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should accept each company's respective settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After the dockets were opened, each company listed on page 4 contacted staff and paid the past due amounts in full. In addition, each company listed on page 4 offered a settlement in the amount of \$100 and proposed to pay future RAFs on a timely basis. This settlement amount is consistent with amounts accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreements as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

DOCKET NOS. 000933-TC, 001041-TC, 001100-TC, 001169-TC  
DATE: DECEMBER 20, 2000

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Elliott; K. Peña)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DOCKET NOS. 000933-TC, 001041-TC, 001100-TC, 001169-TC  
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<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES &amp; PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>P and I</u>
000933-TC	Tel Call Communication Inc. \$0 Revenues for Period Ended 12/31/99	3715	1997 (Bal.) 1999	1996 1998 1999
001041-TC	Jay Gottlieb \$1,927.98 Revenues for Period Ended 12/31/99	5820	1999	1999
001100-TC	Touchtel Communications Inc. \$0 Revenues for Period Ended 12/31/99	6022	1999	1999
001169-TC	CTX Payphone Company \$0 Revenues for Period Ended 12/31/99	7212	1999	1999